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Journal of the Senate

Legislature of the State of California

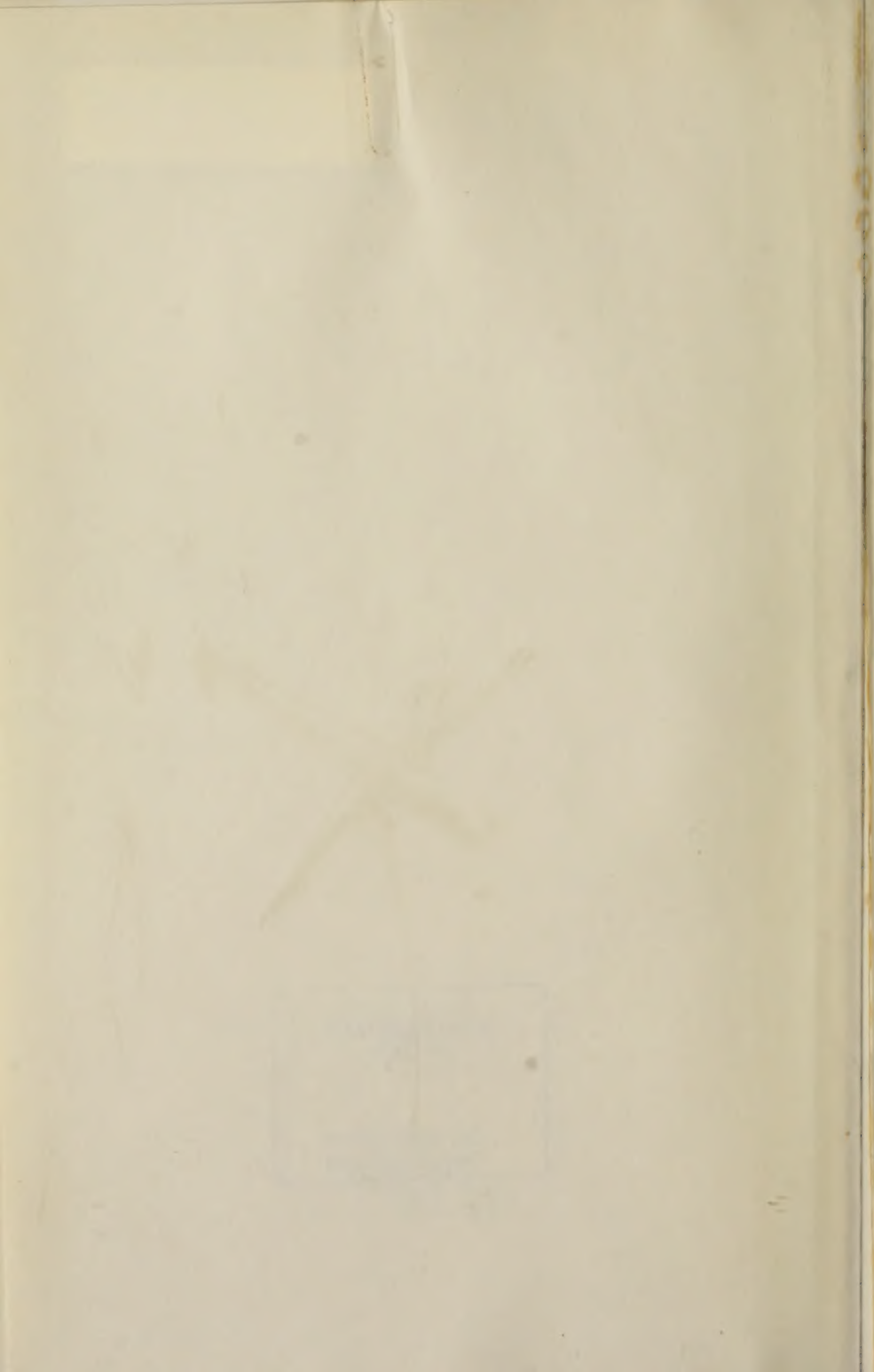
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Volume 1
Journal of the Senate

Legislature of the State of California

1949 Regular Session

First Part of Session, January Third to January Twenty-ninth,
Inclusive; Second Part of Session, March Seventh
to July Second, Inclusive



HON. GOODWIN J. KNIGHT
President of the Senate

HON. HAROLD J. POWERS
President pro Tempore

J. A. BEEK
Secretary

Volume I
Journal of the Senate

Legislature of the State of California

1925 Regular Session

First Part of Session, January 13th to January 27th, 1925
Indulgent Session, February 1st to February 27th, 1925
to July 2nd, 1925, inclusive



HON. HAROLD J. POWERS
President pro Tempore

HON. GEORGE J. HENDRICKS
President of the Senate

J. A. BEEK
Secretary

Volume 1

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CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FIRST LEGISLATIVE DAY

FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, January 3, 1949

The hour of 12 o'clock m. having arrived, Hon. Goodwin J. Knight, President of the Senate, in accordance with Article IV, Section 2, of the Constitution of the State of California, called the Senators and Senators-elect to order and announced that the 1949 Regular Session of the Legislature of the State of California was about to convene, and informed the Senators that the officers of the Senate during the 1948 Regular Session of the Legislature, Joseph A. Beek, Secretary; John F. Lea, Minute Clerk; and Joseph A. Nolan, Sergeant-at-Arms; were in their respective places in the Senate Chamber as required by Section 9150 of the Government Code.

PRAYER

By invitation of the President, prayer was offered by Rev. William C. Pearson, Chaplain of the Senate for the 1948 Regular Session.

RESOLUTIONS

The following resolution was offered:

By Senator Swing:

Senate Resolution No. 1

Resolved, That the hold-over Senators take their seats, and that the Senators-elect proceed to the bar of the Senate, and take their oath of office on the certificate furnished by the Secretary of State.

Resolution read, and, on motion of Senator Swing, adopted.

CERTIFICATE FROM SECRETARY OF STATE

By direction of the President, the Secretary read the following certificate of duly elected Senators of the 1949 Regular Session of the Legislature of the State of California.

STATE OF CALIFORNIA
OFFICE OF THE SECRETARY OF STATE

I, FRANK M. JORDAN, Secretary of State of the State of California, do hereby certify that the following is a complete list of the hold-over State Senators, together with a list of those duly elected at the general election held on the second day of November, A.D. 1948, to represent the people of the State of California at the 1949 Session of the Legislature of said State, as appears from the statement of vote received from the county clerks of the various counties comprising the several senatorial districts of the State of California, said statement of vote being a record of and on file in my office, viz :

Hold-over State Senators

<i>Name</i>	<i>District</i>	<i>Counties or County Comprising District</i>
Randolph Collier	Second	Del Norte, Siskiyou
Burt W. Busch	Fourth	Mendocino, Lake
Harry E. Drobish	Sixth	Butte
Louis G. Sutton	Eighth	Tehama, Glenn, Colusa
W. P. Rich	Tenth	Yuba, Sutter
F. Presley Abshire	Twelfth	Sonoma
Gerald J. O'Gara	Fourteenth	San Francisco
Arthur H. Breed, Jr.	Sixteenth	Alameda
Byrl R. Salsman	Eighteenth	Santa Clara
Bradford S. Crittenden	Twentieth	San Joaquin
Hugh P. Donnelly	Twenty-second	Stanislaus
George J. Hatfield	Twenty-fourth	Merced, Madera
Jesse M. Mayo	Twenty-sixth	Tuolumne, Mariposa, Calaveras
Charles Brown	Twenty-eighth	Mono, Inyo
Hugh M. Burns	Thirtieth	Fresno
J. Howard Williams	Thirty-second	Tulare
Jess R. Dorsey	Thirty-fourth	Kern
Ralph E. Swing	Thirty-sixth	San Bernardino
Jack B. Tenney	Thirty-eighth	Los Angeles
Fred H. Kraft	Fortieth	San Diego

State Senators-elect

Harold J. Powers	First	Modoc, Lassen, Plumas
Michael J. Burns	Third	Humboldt
Edwin J. Regan	Fifth	Trinity, Shasta
Harold T. (Bizz) Johnson	Seventh	Sierra, Nevada, Placer
H. E. Dillinger	Ninth	El Dorado, Amador, Alpine
Nathan F. Coombs	Eleventh	Napa, Yolo
Thomas F. Keating	Thirteenth	Marin
Luther E. Gibson	Fifteenth	Solano
George Miller, Jr.	Seventeenth	Contra Costa
Earl D. Desmond	Nineteenth	Sacramento
Harry L. Parkman	Twenty-first	San Mateo
H. R. Judah	Twenty-third	Santa Cruz
Fred Weybret	Twenty-fifth	Monterey, San Benito
R. R. Cunningham	Twenty-seventh	Kings
Chris N. Jespersen	Twenty-ninth	San Luis Obispo
Clarence C. Ward	Thirty-first	Santa Barbara
James J. McBride	Thirty-third	Ventura
Clyde A. Watson	Thirty-fifth	Orange
Nelson S. Dilworth	Thirty-seventh	Riverside
Ben Hulse	Thirty-ninth	Imperial

WITNESS my hand and the Great Seal of the State of California, this third day of January, A.D. 1949.

FRANK M. JORDAN, Secretary of State

(SEAL)

CERTIFICATE OF ELECTION

STATE OF CALIFORNIA
OFFICE OF THE SECRETARY OF STATE

I, FRANK M. JORDAN, Secretary of State of the State of California, do hereby certify that

F. PRESLEY ABSHIRE

was elected to the office of State Senator—Twelfth Senatorial District at the special election held in said district on the second day of November, 1948, as appears by the official returns of said election and statement thereof on file in my office.

(SEAL)

WITNESS my hand and official seal this twenty-third day of November, A. D. 1948.

FRANK M. JORDAN, Secretary of State
By CHAS. J. HAGERTY, Deputy Secretary of State

OATH OF OFFICE OF SENATOR ABSHIRE

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator—Twelfth Senatorial District according to the best of my ability.

F. PRESLEY ABSHIRE

Subscribed and sworn to before me, this twenty-third day of November, A. D. 1948.

CHAS. J. HAGERTY, Deputy Secretary of State

Filed in the office of the Secretary of State of the State of California November 23, 1948.

FRANK M. JORDAN, Secretary of State
By **CHAS. J. HAGERTY**, Deputy

ROLL CALL OF HOLD-OVER SENATORS

The President directed the Secretary to call the roll of hold-over Senators.

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Crittenden, Donnelly, Dorsey, Drobish, Hatfield, Kraft, Mayo, O'Gara, Rich, Salsman, Sutton, Swing, Tenney, and Williams—20.

ROLL CALL OF SENATORS-ELECT

The President directed the Secretary to call the roll of Senators-elect.

The roll was called, and the following answered to their names:

Senators Michael J. Burns, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Miller, Parkman, Powers, Regan, Ward, Watson, and Weybret—20.

OATH OF OFFICE ADMINISTERED

The Senators-elect, as their respective districts were called, then came forward, presented their certificates of election, and each took and subscribed to the following constitutional oath of office, administered by the Honorable Rolfe L. Thompson, Associate Justice of the Third District Court of Appeal:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the Office of State Senator according to the best of my ability.

ROLL CALL

The President called the Senate to order, and directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—40.

Whereupon the President announced their qualification, and declared that a quorum of all Senators was present.

TEMPORARY ORGANIZATION EFFECTED

Temporary organization having been effected, the President put the question, "What is the pleasure of the Senate?"

RESOLUTIONS

The following resolution was offered:

By Senator Crittenden:

Senate Resolution No. 2

Resolved, That the Senate do now proceed to the election of the following statutory officers in the order named:

President pro Tempore;
Secretary of the Senate;
Sergeant-at-Arms;
Minute Clerk, and
Chaplain.

Resolution read, and on motion of Senator Crittenden, adopted.

NOMINATIONS FOR AND ELECTION OF PRESIDENT PRO TEMPORE OF THE SENATE

The President thereupon declared nominations for the office of President pro Tempore of the Senate in order.

Senator Hatfield placed in nomination for the office of President pro Tempore of the Senate the Honorable Harold J. Powers of Modoc, Lassen, and Plumas Counties, State Senator from the First District.

On motion of Senator Parkman, seconded by Senator Busch, the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR SENATOR HAROLD J. POWERS—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.
NOES—None.

Whereupon the President declared Senator Harold J. Powers of Eagleville duly and unanimously elected President pro Tempore of the Senate.

NOMINATIONS FOR AND ELECTION OF SECRETARY OF THE SENATE

The President declared nominations for the office of Secretary of the Senate in order.

Senator Mayo, seconded by Senator Judah, placed the name of Joseph A. Beek of Balboa in nomination for Secretary of the Senate.

On motion of Senator Jespersen, seconded by Senator Brown, the nominations were declared closed.

The President directed the Minute Clerk to call the roll.

The roll was called, with the following result:

FOR JOSEPH A. BEEK—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—40.

NOES—None.

Whereupon the President declared Joseph A. Beek of Balboa duly and unanimously elected Secretary of the Senate.

NOMINATIONS FOR AND ELECTION OF SERGEANT-AT-ARMS

The President declared nominations for the office of Sergeant-at-Arms of the Senate in order.

Senator Jespersen, seconded by Senator Parkman, placed the name of Joseph Francis Nolan of Los Angeles in nomination for Sergeant-at-Arms of the Senate.

On motion of Senator Mayo, seconded by Senator Judah, the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR JOSEPH FRANCIS NOLAN—Senators Abshire, Breen, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—40.

NOES—None.

Whereupon the President declared Joseph Francis Nolan of Los Angeles duly and unanimously elected Sergeant-at-Arms of the Senate.

NOMINATIONS FOR AND ELECTION OF MINUTE CLERK OF THE SENATE

The President declared nominations for the office of Minute Clerk of the Senate in order.

Senator Breed, seconded by Senator Jespersen, placed the name of John F. Lea of Sacramento in nomination for Minute Clerk of the Senate.

On motion of Senator Mayo, seconded by Senator Judah, the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR JOHN F. LEA—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—40.

NOES—None.

Whereupon the President declared John F. Lea of Sacramento duly and unanimously elected Minute Clerk of the Senate.

NOMINATIONS FOR AND ELECTION OF CHAPLAIN

The President declared nominations for the office of Chaplain of the Senate in order.

Senator Desmond, seconded by Senator Mayo, placed the name of Rev. Nelson E. Hinman, Pastor, Bethel Temple, in nomination for Chaplain of the Senate.

Senator Jespersen, seconded by Senator Brown, moved the nominations be closed.

Motion carried.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR REV. NELSON E. HINMAN—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen,

Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—40.

NOES—None.

Whereupon the President declared Rev. Nelson E. Hinman duly and unanimously elected Chaplain of the Senate.

OATH OF OFFICE ADMINISTERED

The newly elected officers of the Senate, Senator Harold J. Powers, President pro Tempore; Joseph A. Beek, Secretary; Joseph Francis Nolan, Sergeant-at-Arms; John F. Lea, Minute Clerk; and Rev. Nelson E. Hinman, Chaplain of the Senate, appeared at the bar of the Senate where the constitutional oath of office was administered to them by the Honorable Rolfe L. Thompson, Associate Justice of the Third District Court of Appeals, and they subscribed to the same.

RESOLUTIONS

The following resolution was offered:

By Senator Powers:

Senate Resolution No. 3

Resolved, That the following Rules be and the same are hereby adopted as the Temporary Rules of the Senate.

STANDING RULES OF THE SENATE

Convening and Sessions

Hour of Meeting

1. The Senate shall meet at 11 a.m., daily, except Sundays, unless otherwise ordered by the Senate.

Calling to Order

2. The President, President pro Tempore, or senior member present shall call the Senate to order at the hour stated, and if a quorum be present shall proceed with the order of business.

Attendance of Members

3. No Senator shall absent himself from attendance upon the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators at the expense of such absent Senators, respectively, unless such excuse for nonattendance as shall be made to the Senate when a quorum is convened, shall be judged sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate. The President or Acting President of the Senate, or less than a quorum present, shall have the power to issue process directly to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

Order of Business

4. The order of business shall be as follows:

1. Roll Call.
2. Prayer by the Chaplain.
3. Leaves of Absence.
4. Privileges of the Floor.
5. Communications and Petitions.
6. Messages from the Governor.
7. Messages from the Assembly.
8. Reports of Committees.
9. Motions, Resolutions and Notices.
10. Introduction and First Reading of Bills.
11. Special Orders.
12. Unfinished Business.
13. Consideration of Daily File.
14. Announcement of Committee Meetings.
15. Adjournment.

Executive Sessions

5. When a motion is adopted to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of the Senate, Secretary, Minute Clerk, and Sergeant-at-Arms, to withdraw, and during the discussion of said business the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate.

Officers of the Senate**The President**

6. The Lieutenant Governor shall be the President of the Senate. He shall have a casting vote when the vote is equally divided and his vote will decide the issue.

The President shall maintain order in the Senate Chamber and in case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have the power to order the same cleared.

The President pro Tempore

7. The President pro Tempore shall, in the absence of the President, take the chair and call the Senate to order, at the hour of the meetings of the Senate, and shall have the same powers as the President.

It shall be the particular responsibility of the President pro Tempore to secure the prompt and businesslike disposition of bills and other business before the Senate.

The Vice Chairman of the Committee on Rules shall, in the absence of the President pro Tempore, perform the duties, and have all powers and authority of the President pro Tempore.

Presiding by Senators

8. The President pro Tempore of the Senate may name any Senator to perform the duties of the Chair in the absence of the President. The Senator so named shall be vested, during such time, with all the powers of the President.

Secretary of the Senate

9. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

He shall superintend all printing and clerical work to be done for the Senate and shall have supervision over all attaches and employees of the Senate. He shall assign, reassign or transfer all attaches or employees to their respective duties.

He shall certify to and transmit to the Assembly all bills, joint and concurrent resolutions, constitutional amendments and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

He shall also keep a correct Journal of the proceedings of the Senate, and shall notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

The Secretary of the Senate shall have custody of all bills, documents, papers and records of the Senate and shall not permit any such bills, records or papers to be taken from the desk or out of his custody by any person, except in the regular course of the business of the Senate.

All employees on the pay roll of the Senate are employees of the Senate and not of individual members and they are under the direct control of the Secretary of the Senate. Any insubordination or inefficiency on the part of any employee shall be reported by the Secretary to the Committee on Rules or if a Committee on Attaches be appointed, then to that committee.

Expenditures of Secretary

9.5. All proposed expenditures by the Secretary of the Senate shall be subject to approval by the Senate Committee on Rules or its authorized representative pursuant to Standing Rule No. 13.1, including expenses for telephone service, telegraph service, supplies, rental of typewriters, illuminating resolutions, traveling expenses and any other incidental expenses in connection with conducting the business of the Senate and performing any duties imposed by law or by the rules or the resolutions of the Senate. Claims for any such expenses and claims for incidental expenses of the Senate heretofore incurred but for which payment has not been provided by any other resolution shall be submitted by the Secretary of the Senate to the Senate Committee on Rules or its authorized representative and such claims, if approved, shall be transmitted to the Controller for payment pursuant to this resolution.

Sergeant-at-Arms of the Senate

10. The Sergeant-at-Arms shall attend the Senate during all of its sittings, execute the commands of the Senate from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found in loud conversation, or otherwise making a noise to the disturbance of the Senate. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and release, and the traveling expenses for himself and special messenger going and returning shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per

diem. It shall also be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators.

The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and Journals, Histories and Files, when printed, on the desks of Senators, at least one hour previous to the opening of session.

Additional Duties

10.5. The Sergeant-at-Arms is authorized to procure such boxes, packing and other materials as are necessary to ship to the Members of the Senate at their various places of residence their bill files, books, stationery and other printed matter at the close of each session. All proposed expenditures by the Sergeant-at-Arms incurred pursuant to this rule or in performing any duties imposed by law or by the Rules or resolutions of the Senate shall be subject to approval by the Senate Committee on Rules or its authorized representative pursuant to Standing Rule No. 13.1. All claims incurred by the Sergeant-at-Arms shall be submitted to said committee or its authorized representative and, if approved, shall be transmitted to the Controller for payment pursuant to this resolution.

10.6. The Controller is hereby authorized and directed to draw his warrants in favor of the Secretary of the Senate, the Sergeant-at-Arms, and other officers and employees who render services to the Senate as certified weekly by the Senate Committee on Rules or by its authorized representative, from the fund set aside for the pay of officers and employees of the Senate at the rate of compensation certified by the committee or its representative, and the Treasurer is hereby directed to pay the same.

The Secretary of the Senate and the Sergeant-at-Arms shall approve and transmit to the Committee on Rules the claims for their compensation and for the compensation of their respective employees.

10.7. After final adjournment expenditures by the Secretary of the Senate or the Sergeant-at-Arms of the Senate for postage, express, freight charges, or other purposes for which cash payments are necessary, shall be paid from funds allocated to the Senate Committee on Rules for such purposes, subject to approval by the Senate Committee on Rules or its authorized representative. The Controller shall draw warrants on the Contingent Fund of the Senate in favor of the Secretary of the Senate or the Sergeant-at-Arms for such expenditures only in the amount authorized by the Senate Committee on Rules or its authorized representative.

The Secretary of the Senate and the Sergeant-at-Arms shall file with the Committee on Rules or its authorized representative receipts or vouchers covering all expenditures made for such purposes, which shall be transmitted to the Controller by the committee or its authorized representative.

Committees of the Senate

Appointment of Committees

11. The Committee on Rules shall consist of the President pro Tempore of the Senate, who shall be the chairman of the committee, and four other members of the Senate to be elected by the Senate.

The Committee on Rules shall appoint all other committees of the Senate unless otherwise directed by the Senate and shall designate a

chairman of each committee so appointed and a vice chairman of each standing committee.

In making committee appointments, the Committee on Rules shall give consideration to seniority, preference, and experience; provided, however, that in making committee appointments, the Rules Committee shall, so far as practical, give equal representation to all parts of the State.

The Senate Committee on Finance shall consist of four Senate Members of the Legislative Budget Committee and seven additional Members of the Senate appointed by the Committee on Rules.

Ten days before the commencement of any regular session of the Legislature, the Secretary of the Senate shall mail to each member a blank, in a form approved by the Rules Committee, on which the member may indicate his committee preferences and with such blank shall be mailed a stamped envelope addressed to the Rules Committee, care of the Secretary, for the convenience of the member in returning such form with his preferences thereon. All such communications shall be retained by the Secretary unopened and shall be delivered to the Rules Committee immediately upon the organization of the Senate.

Standing Committees

12. The standing committees of the Senate, the number of members, and subjects to be referred to each are as follows:

The standing committees of any general session shall be the standing committees of succeeding budget, special or extraordinary sessions unless otherwise ordered by the Senate.

12.5. Each standing committee of the Senate created at a general session is hereby authorized to study and analyze all facts relating to the subjects which would fall within its jurisdiction as indicated by Rule 12 of the Standing Rules of the Senate, including, but not limited to, a needed revision of the laws relating to that subject, and for such purpose shall constitute an investigating committee with power to act during the sessions of the Legislature, including any recess, and after final adjournment, and until the commencement of the next regular general session, with authority to file its report not later than the thirtieth day of said general session.

Each such committee shall have all of the powers conferred upon investigating committees by the Joint Rules of the Senate and Assembly, the provisions of which are incorporated herein and made a part hereof.

No such committee shall exercise the authority herein conferred except when, and to the extent, it is authorized so to do in writing by the Committee on Rules. The Committee on Rules may allocate any money made available to said committee for expenditure on behalf of the committees herein created, and the members thereof, in such manner as the Committee on Rules shall prescribe.

Committee on Rules

13. The Committee on Rules is charged with the general responsibility for the administrative functioning of the Senate. The committee shall have general charge of the books, documents and other papers and property of the Senate and shall see that the same are properly kept, cared for, filed, or otherwise disposed of in accordance with law and the rules applicable thereto. The committee shall also have the duty of

making studies and recommendations designed to promote, improve, and expedite the business and procedure of the Senate and of the committees thereof, including investigating committees consisting wholly or in part of Members of the Senate, and of proposing any amendments to the rules deemed necessary to accomplish such purposes.

The Committee on Rules shall continue in existence during any recess of the Legislature and after final adjournment and until the convening of the next regular general session and shall have the same powers and duties as while the Senate is in session. The committee shall have authority to fill vacancies in any Senate committee or in the Senate membership of any joint committee.

In dealing with any matter within its jurisdiction the committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to the Committee on Rules and its members.

The committee may make available to any Senate or joint committee or any Member of the Senate such assistance in connection with the duties of the committee or other legislative matters as the personnel under the direction of the committee or its other facilities permit.

The committee shall make available to and shall furnish to the Senate investigating committees created at this regular session and to each of the members thereof such secretarial and stenographic help as may be reasonably necessary for such committees and each of the members thereof to make and carry on the studies and investigations required by or of them by the resolutions creating such committees, and for such purpose, in addition to any other power or authority, the Committee on Rules may employ such additional stenographic and secretarial assistants as may be necessary, assign and reassign such assistants, prescribe the amounts, times and methods of payment of their compensation, and provide for the auditing of any and all records and accounts in respect thereto.

The Committee on Rules shall constitute the Committee on Introduction of Bills and shall have charge of engrossment and enrollment of bills, contingent expenses of the Senate and legislative printing except insofar as these functions are delegated to the Secretary of the Senate. The Senate Committee on Rules shall have charge of the attaches unless a Committee on Attaches is appointed.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the direction of the Committee on Rules and the committee may assign the press desks in the Senate Chamber to accredited newspaper representatives.

Executive communication of nominations sent by the Governor to the Senate for confirmation shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, without debate.

13.1. All claims for expenses incurred by interim investigating committees of the Senate shall be approved by the Committee on Rules, or its authorized representative, before such claims are presented to the Controller.

All proposed expenditures, other than expenditures of the funds of an interim investigating committee, shall be approved by the Committee

on Rules or its authorized representative before such expenses are incurred, unless such expenditure is specifically exempted from the provisions of this rule by the resolution authorizing it.

No warrant shall be drawn in payment of any claim for expenses until the approval of the Committee on Rules, or its authorized representative, has been obtained in accordance with the provisions of this Rule.

The Committee on Rules may adopt rules and regulations limiting the amount, time, and place of expenses and allowances, exclusive of salary, to be paid to employees of Senate interim investigating committees. Copies of all rules and regulations adopted pursuant to this Rule shall be distributed to the chairman of every such investigating committee.

13.2. Pursuant to the powers vested in the Senate Committee on Rules, and during such times as the Senate is not in session, the committee is authorized and directed to incur and pay such expenses of the Senate not otherwise provided for as the committee determines are reasonably necessary, including the repair, alteration, improvement and equipping of the Senate Chamber and the offices provided for the Senate in the State Capitol.

In order to avoid unanticipated reversions of appropriations for contingent expenses, the Senate Committee on Rules may designate the appropriation from which payment shall be made pursuant to allocations to interim committees or for other purposes. If there should be insufficient money available in any such appropriation to pay all claims pursuant to allocations charged against it, the committee shall designate another appropriation from which such allocations shall be paid.

13.3. The Senate Committee on Rules is responsible for the safe-keeping of Senate property after adjournment of each session until the Senate shall reconvene again. The Chief of the Bureau of Buildings and Grounds is directed to leave the Senate Chamber and all the committee rooms and other rooms used by the Senators and officers of the Senate in such condition that they will be available for use of the Senate at any time; and it is further directed that no persons other than the members, officers and attaches of the Senate be permitted to occupy or use the offices, committee rooms and other rooms now occupied by the Senate without permission as hereinafter provided, and that the desks, furniture, and other equipment of the Senate be at the disposal of the Senate Committee on Rules upon adjournment of each session and until the Senate shall reconvene, and that no person except Members of the Senate be permitted to occupy any of the Senate's offices or make use of Senate equipment without permission of the committee or its authorized representative.

13.4. The Senate Committee on Rules is authorized and directed, through its authorized representative, to make and maintain a complete inventory of all property of the Senate, including all such property in the possession or control of any Senate interim committee. The Committee on Rules shall have custody and control of all such property of the Senate and shall adopt such rules or orders as it may determine are necessary relating to the purchase, care, custody and use or disposal thereof.

No furniture, equipment, or other property, other than supplies, shall be purchased by any Senate interim committee unless prior approval

is obtained from the Senate Committee on Rules or its authorized representative.

Status of Standing Rules for Preceding General Session

13.5. The adoption of the Standing Rules for any budget session shall not be construed as modifying or rescinding the Standing Rules of the Senate for the preceding general session, nor as affecting in any way the status or powers of the interim committees created by those Rules.

Schedule of Committee Meetings

14. The Committee on Rules shall propose to the Senate such schedules for regular meetings of the standing committees as will permit a full attendance of their members without conflict of committee engagements.

The committee may also propose such special committee meetings or special schedules of committee meetings as will facilitate the business of the Senate. Such schedules may provide a special schedule of committee meetings or upon certain days of the week or to meet any special condition which may arise.

Quorum of Standing Committees—Vote

15. Each standing committee shall determine (a) its own quorum, and (b) the number of votes necessary to take any action upon any bill, resolution, or other matter referred to it.

The vote by the number of ayes and noes on each bill reported back on all committee reports shall be noted in such reports and recorded in the Journal.

Powers of Standing Committees

16. Each standing committee of the Senate to which a proposed law or bill is assigned shall have full power and authority during the session of the Legislature or any recess thereof, to make such investigation and study of and concerning any such proposed law or bill as such committee shall determine necessary to enable it to properly act thereon.

In the exercise of the power granted by this Rule, each committee may appoint a secretary and adopt such rules as may appear necessary and proper to carry out the powers granted and duties imposed under this Rule. It may employ such clerical, legal and technical assistants as may appear necessary when money has been made available therefor by the Senate.

Each standing committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

The members of such committees are, and each of them is, authorized and empowered to administer oaths, and all of the provisions of Chapter 4 of Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant-at-Arms of the Senate, or other person designated by the Sergeant-at-Arms or by the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so upon a vote of the majority of the membership of the committee.

All officers of this State, including the Legislative Counsel and the heads of each department, agency and subdivision thereof, and all employees of such departments, agencies and subdivisions, and all other persons whether connected with the State Government or not, shall give and furnish to these committees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each standing committee was created.

Each standing committee may meet at the State Capitol and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it and may expend such money as may be made available by the Senate for such purpose; but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Special Investigating Committees

17. Except as provided by these rules, no committee for the investigation of any special subject shall be appointed except pursuant to a resolution which shall be entered in the Journal and referred to the Committee on Rules, and which shall be approved by a vote of a majority of the members elected to the Senate. The subject and purpose of the investigation shall be expressed in the title of the resolution and the scope of the investigations shall be consistent with the subject and purposes so expressed. No such committee shall have authority to extend its investigations to subjects not so expressed, nor beyond the scope indicated in the resolution. Unless otherwise directed by the resolution any committee so authorized shall be appointed within 20 days after the adoption of the resolution.

Funerals

17.5. The chairman or vice chairman of the Senate Committee on Rules may designate any one or more of the Members of the Senate as the representatives of the Senate to attend funerals in appropriate circumstances. The members so designated shall receive their actual and necessary expenses incurred in the performance of their duties or in lieu of such expenses the same allowances for accommodations and meals, and mileage as is provided by the Joint Rules for members of investigating committees.

The chairman or vice chairman of said Committee on Rules or any Member of the Senate designated by either of said officers may incur such expense as may be necessary for the purchase on behalf of the Senate of suitable floral pieces for any such funeral.

All expenses incurred pursuant to this resolution are hereby ordered to be paid out of the money allocated from the Contingent Fund of the Senate to the said Senate Committee on Rules and disbursed, after certification by the chairman or vice chairman of the committee, or by the committee's disbursing officer appointed and designated therefor by the committee, upon warrants drawn by the State Controller upon the State Treasurer.

No Committee Expenditures Permitted

18. No member of any committee shall be permitted to incur any expense chargeable to the Senate unless authorized by resolution of the Senate.

Procedure and Rules

Joint and Concurrent Resolutions and Constitutional Amendments

19. Joint and concurrent resolutions and constitutional amendments shall be treated the same as bills; except, that they shall have but one official reading, which reading shall occur after they have been reported by committee.

Parliamentary Rules

20. In all cases not provided for by the Constitution, these Rules, or by the Joint Rules of Senate and Assembly the authority shall be Mason's Manual.

Suspension or Amendment of Rules

21. No standing rule of the Senate may be repealed or amended except upon an affirmative vote of a majority of the Members of the Senate, one day's notice being given, but any rule not requiring more than a majority vote may be temporarily suspended by a vote of a majority of the Members of the Senate. A rule requiring a two-thirds vote on any question may be amended only by a two-thirds vote on one day's notice, and a rule requiring a two-thirds vote may be temporarily suspended only by a two-thirds vote.

All proposed amendments to these rules shall, upon presentation, be referred to the Committee on Rules without debate.

Introduction and Reference of Bills

Introduction, First Reading, and Reference of Bills

22. Any Senator desiring to introduce a bill shall send it to the Senate desk.

The Committee on Rules shall check all Senate bills prior to introduction and all Assembly bills before reference to committee and shall designate the committees to which they shall be referred. The provisions of Rule 12, referring to the assignment of bills are intended as a guide to the committee but are not binding upon the committee.

Under the order of Introduction of Bills, the Secretary shall assign a number to each Senate bill, shall read it the first time, shall read the name of the committee to which the bill has been assigned by the Committee on Rules, and unless otherwise ordered by the Senate without debate the assignment of the bill shall then be complete and after printing the Secretary shall deliver the bills to the committee so designated.

Under the order of Messages from the Assembly the Secretary shall read each Assembly bill the first time, shall read the name of the committee to which the bill has been assigned by the Committee on Rules, and unless otherwise ordered by the Senate without debate the assignment of the bill shall then be complete and the Secretary shall deliver the bill to the committee so designated.

Introduction of Bills by a Committee

23. Any committee may introduce a bill germane to any subject within the proper consideration of such committee in the same manner as any member.

Introduction of Bills at Special Sessions

24. Whenever at any special session a bill is received at the desk, under the order of Introduction of Bills, it shall be referred to the Committee on Rules which shall decide whether or not such bill can properly

be considered at the session. If in the judgment of the Committee on Rules such bill can be considered it shall report it back and designate the committee to which it shall be assigned. Thereafter it shall be assigned a number by the Secretary, be read past time, and referred to the committee recommended by the Committee on Rules unless otherwise referred on motion without debate.

Senate Resolutions

25. All Senate resolutions upon being presented shall be given a number by the Secretary. Such resolutions shall be printed in the Journal and indexed in the History and Journal.

Bills in Committee

Committee Hearings

26. During the constitutional recess or as soon thereafter as practicable the chairman of each committee shall prepare a schedule of hearings concerning bills referred to the committee. The schedule shall be arranged according to subjects insofar as may be convenient.

The schedules and any changes thereon shall be delivered to the Senate as soon as convenient in order that due notice may be given to persons interested in the legislation.

Substitute Committee Bills

27. A committee may amend any bill related provisions germane to the subject and embraced within the title; and with the consent of the author the committee may insert into such bill a committee bill by striking out of the heading of the bill the line "Introduced by" and the name of the author and substituting therefor "Substitute committee bill of the Committee on" and the name of the committee.

Recalling a Bill From Committee

28. The Senate may at any time by 21 votes recall a bill from committee.

Consideration of Bills

Order of Making Files

29. When bills are reported from committee they shall be placed upon the General File to be kept by the Secretary as follows: All bills when reported to the Senate by the committee shall be placed at the foot of the second reading Senate or Assembly file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the Senate or Assembly third reading file, in the order of reading. Unless otherwise ordered by the Senate the File shall be taken up in the following order: Senate second reading file, Assembly second reading file and Senate third reading file, Assembly third reading file. The bills upon third reading shall be considered in the order in which they appear upon the File, unless otherwise ordered by the Senate.

An inactive file shall be kept in which bills may be transferred at the request of the author, or on motion, and they shall be so transferred when they have been passed on third reading file without action three successive times. Bills may be carried on the inactive file by author and bill number without setting forth the title.

Bills may be transferred from the inactive file to the second reading file on motion, and after being read the second time such bills will take

their place regularly on third reading file and be available for consideration and passage.

Notices of committee hearings shall be published in the File whenever presented by chairmen of committees to the Secretary for that purpose. For such purpose bills will be identified by subject or by number.

Special Order

30. Any measure or subject may, by vote of a majority of those voting, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

Messages From the Governor or Assembly

31. Messages from the Governor or from the Assembly may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, or while a Senator is addressing the Senate.

Messages from the Governor or from the Assembly may be considered when indicated in the order of business or at any other time by unanimous consent or upon motion.

Engrossing Bills

32. All Senate bills, constitutional amendments and joint or concurrent resolutions shall be engrossed before final action is taken on them in the Senate. Engrossment shall consist of comparing the printed engrossed bill with the original bill introduced and any amendments adopted to ascertain that it is correct. When a bill is reported correctly engrossed it shall be substituted on the File for the original bill.

Enrolling Bills

33. All Senate bills shall be enrolled immediately following their final passage and receipt from the Assembly. An enrolled copy of every such bill, amendment or resolution shall be printed and examined to ascertain that it is a true and accurate copy of the measure as it was passed. It shall then be authenticated by the signatures of the President or President pro Tempore of the Senate and the Secretary or an Assistant Secretary of the Senate and by the corresponding officers of the Assembly and transmitted without delay to the Governor.

Debate

Statement of Motion

34. No motion shall be debated until the same be distinctly announced by the President; and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

Regulations as to Speaking

35. 1. When a Senator desires to address the Senate, he shall rise in his place, address the President, and when recognized he may proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

4. No Senator shall be interrupted when speaking, and no question shall be asked him except through the presiding officer.

5. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

Order in Debate

36. When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary of the Senate.

Right to Address the Senate

37. No person other than a member of the Senate or the President thereof, shall address the Senate while it is in session but the Senate may resolve itself into a Committee of the Whole and while sitting as such committee may be addressed by persons other than members.

Questions and Motions

Amendments to Bills

38. When amendments to a bill are reported by a committee or offered from the floor, such amendments shall be submitted in triplicate.

Adoption of amendments to any bill in the Senate prior to third reading, other than by roll call, shall not preclude subsequent consideration in committee or on the third reading of the bill, of such amendments or any part thereof, by the Senate.

Motion to Lay on the Table

39. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

Division of a Question

40. If a question in debate contains more than one distinct proposition, any Senator may have the same divided.

The Previous Question

41. The previous question shall be put in the following form: "Shall the question be now put?" It shall require a majority vote of the Senators present: and its effect shall be to put an end to all debate except that the author of the bill or the amendment shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote.

Call of the Senate

42. Upon a motion being carried for a call of the Senate, the President shall immediately order the doors to be closed, and shall direct the Secretary to call the names of the absentees as disclosed by the last previous roll call. Thereupon, no member shall be permitted to leave the Senate Chamber except by written permission of the President pro Tempore or in his absence of the presiding officer. Those members who are found to be absent and for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they

appear, or may be sent for and then taken into custody by the Sergeant-at-Arms wherever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a roll call of the Senate and compel the attendance of absentees in the manner above provided.

A call of the Senate may be ordered after the roll has been called and prior to the announcement of the vote.

No recess can be taken during a call of the Senate. During a call, the Senate may consider and transact any matter or business that the Senators then present shall unanimously decide to consider, but no call of the Senate shall be had during a call of the Senate, except that during a call which was ordered for the purpose of procuring sufficient attendance for the conduct of business of the Senate in general and not for any other purpose, such call may be made to apply also to not more than one item of business by motion made and adopted by a majority vote of the members present after the roll has been called and prior to the announcement of the vote on such item of business. Under such circumstances, when the call of the Senate is dispensed with as to the item of business to which it is so applied it shall be deemed dispensed with as to the purpose for which it was originally made. When a call of the Senate is ordered, pending the announcement of the vote upon the completion of a roll call, the pending roll call shall become unfinished business, the consideration of which shall be continued until further proceedings under the call of the Senate are dispensed with, when it will forthwith become the order of business before the Senate.

Reconsideration

43. On the day on which a vote has been taken on any question a motion to reconsider the vote may be made by any member.

The motion may be considered on the day made or on the succeeding legislative day but may not be further postponed without the concurrence of 27 members.

No vote on a Senate bill may be reconsidered on or after the last day fixed for the consideration of Senate bills prior to adjournment and no vote may be reconsidered on the last day of the session.

When reconsideration of the vote by which any bill was passed has been demanded the Secretary shall not transmit it to the Assembly until the demand has been disposed of or the time for reconsideration has expired, but if the bill has already been transmitted to the Assembly the demand for reconsideration shall be preceded by a motion to request the Assembly to return the bill. This motion shall be put to a vote immediately without debate and if not adopted shall preclude a demand for reconsideration.

A demand to reconsider the vote on any debatable question opens the main question to debate and the vote on the reconsideration shall be on the merits of such main question.

Voting by Senate

Voting on Roll Call

44. Whenever a roll call is required by the Constitution or Rules, or is ordered by the Senate or demanded by three members, every member within the Senate shall without debate answer "Aye" or "No" when his name is called.

The names of members shall be called alphabetically.

No Senator shall be permitted to vote or change his vote after the announcement of the vote by the presiding officer.

Excused From Voting

45. When a Senator declines or fails to vote on call of his name he may, after completion of the roll call, and before the announcement of the vote be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which question shall be decided without debate. Unless the Senator is excused from voting he shall be required to vote.

Voting by Presiding Senator

46. When the President pro Tempore or any other Member of the Senate is presiding over the Senate he shall vote on roll call the same as though he were not presiding.

Vote Required

47. Unless otherwise required by the Constitution, the Joint Rules of the Senate and Assembly or by these Rules, any action which can be taken by the Senate requires only a majority vote of the Senate, a quorum being present.

The following actions require 30 votes:

1. To introduce bills after the constitutional recess—(Constitution, Art. IV, Sec. 2).

The following actions require 27 votes:

2. To pass urgency measures—(Constitution, Art. IV, Sec. 1).
3. To suspend constitutional provision requiring reading bills on three several days—(Constitution, Art. IV, Sec. 15).
4. To pass bills over the Governor's veto—(Constitution, Art. IV, Sec. 16).
5. To increase or diminish the number of superior court judges or to remove judges—(Constitution, Art. VI, Secs. 9, 10).
6. To propose constitutional amendments or revision of the Constitution—(Constitution, Art. XVIII, Secs. 1, 2).
7. To change rate of taxation for state purposes—(Constitution, Art. XIII, Secs. 14, 16).
8. To authorize deposit of public money in banks—(Constitution, Art. XI, Sec. 16½).
9. To remove a member of the Public Utilities Commission—(Constitution, Art. XII, Sec. 22).
10. To change rates or conditions under the State Employees Retirement System—(Constitution, Art. IV, Sec. 22a).
11. To propose change in location of State capital—(Constitution, Art. XX, Sec. 1).
12. To reconsider the vote by which a concurrent resolution proposing a constitutional amendment is defeated.
13. To suspend the Rule against lobbying in the Senate Chamber.
14. To concur in Assembly amendments to or to adopt a report of a Committee on Conference concerning constitutional amendments or bills which require 27 votes for passage.

The following actions require 21 votes:

15. To amend or suspend the Rules.
16. To pass bills, unless under some other Rule a larger vote is required—(Constitution, Art. IV, Sec. 15).
17. To adopt a concurrent resolution approving a county or city charter or amendment thereto—(Constitution, Art. XI, Secs. 7½ and 8).
18. To adopt joint and concurrent resolutions.
19. To reconsider bills, joint and concurrent resolutions.
20. To confirm appointments by the Governor or to reconsider the same.
21. To recall a bill from committee.
22. To concur in Assembly amendments to or to adopt a report of a Committee on Conference concerning concurrent or joint resolutions or bills which require 21 votes for passage.

Actions requiring 14 votes:

23. To reconsider a vote by which a concurrent resolution proposing a constitutional amendment was adopted.

Vote Required for Amendments

48. A constitutional amendment or bill requiring a vote of two-thirds of the members elected to the Senate for final adoption or passage may be amended by a majority of those voting.

Contents of Senate Journal

Proceedings to Be Printed

49. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

The Journal shall state the name of the Senator presenting each Assembly bill, concurrent or joint resolution or constitutional amendment to the Senate for final action.

Every vote of the Senate shall be recorded in the Journal. The committee vote on each bill reported back by a committee, and if a bill is signed out that fact also shall be recorded in the Journal.

Titles of Bills to Be Printed

50. The titles of all bills, joint and concurrent resolutions, and constitutional amendments when introduced and when acted upon by the Senate, and a brief statement of the contents of each petition, memorial or paper presented to the Senate shall be printed in the Journal.

Other Matter to Be Printed

51. Messages from the Governor (other than biennial messages and inaugural addresses) shall be printed in the Journal, unless otherwise ordered by the Senate.

Letters of transmittal presenting reports of interim committees and reports of such state departments and agencies as shall be made to the Senate pursuant to law or resolutions adopted by the Senate, shall be

printed in the Journal, but the reports shall be printed in the Appendix to Journals unless otherwise directed by the Senate.

Legislative Printing

Duty of Secretary to Order Printing

52. It shall be the duty of the Secretary of the Senate and he is hereby directed during and between sessions of the Legislature to order for the Senate the necessary printing including stationery for the members, and to audit and approve all bills for printing to be charged to the Senate. The Secretary shall order from the State Printer such number of copies of bills, Journals, Histories, Files, forms and other printing as shall be necessary.

It shall further be the duty of the Secretary to order bills and other legislative publications for which there is a demand printed before the supply of same shall become exhausted.

Printing Only on Written Orders; Rush Orders

53. The State Printer shall not charge any printing or other work to the Senate except as required by law unless he has a written order from the Secretary of the Senate prior to the beginning of the printing or other work. All printing ordered by the Secretary shall be delivered as directed by him. The Secretary may, when necessity requires it, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under specially prepared written order, to be known as a "Rush Order."

Form of Printing Amendments

54. When any bill of either house is amended it shall be immediately reprinted; new matter shall be printed in italics in the printed bill; and matter to be omitted shall be printed in type bearing a single horizontal line through the center and commonly known as "strikeout" type. When a bill is enrolled, all such italics and "strikeout" type shall be omitted and the bill shall be printed in the usual roman type.

The Senate Chamber

Admission Within Bar to Senate

55. It shall be the duty of the Sergeant-at-Arms to prevent all persons except Senators, ex-Senators, Members of the Assembly, state officers, officers of the two houses, and such accredited newspaper representatives as have seats assigned to them from coming within the bar of the Senate unless upon the invitation of the President or a Senator. No visitor shall be allowed upon the floor while the Senate is in session.

Regulations for Lobbyists

56. All persons appearing, or being, or desiring to appear, or be, at or in the Senate Chamber, or at or in any committee room of the Senate for the purpose of advocating the adoption, or defeat of any bill, measure or resolution, introduced in, pending before, or being considered by the Senate, or by any committee thereof, or for the purpose of soliciting the

vote of any Member of the Senate upon any such bill, measure, or resolution, or upon any anticipated or proposed bill, measure, or resolution, shall register with the Sergeant-at-Arms, his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation or interest, and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this Rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses, and the persons, corporations or interest represented by them, shall be kept, and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

No person shall appear at or enter the Senate Chamber, or any committee room of the Senate, for the purpose of advocating the adoption or defeat of any bill, measure, or resolution, without first having registered and secured the certificate as herein provided.

This Rule shall not apply to members of either house of the Legislature, officers of the State or other public agencies, or citizens of the State of California appearing in their own interest or behalf who are not representing any group, organization or corporation.

No person engaged in presenting to the Senate or any of its committees any business, claim, or legislation, shall be permitted to engage in such business in the Senate Chamber or be permitted on the floor of the Senate at any time while the Senate is in session. Any person transgressing this Rule shall be removed from the floor of the Senate and shall be debarred from the privilege of the floor during the remainder of the entire session. The President and the President pro Tempore are charged with the enforcement of this Rule, and this Rule cannot be suspended except by a two-thirds vote of the entire Senate.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—40.

NOES—None.

RESOLUTIONS

The following resolutions were offered:

By Senator Hatfield:

Senate Resolution No. 4

Resolved, That the following members be and the same are hereby elected members of the Senate Committee on Rules:

Senators Brown, Hulse, Keating, Salsman.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey,

Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

NOES—None.

By Senator Rich :

Senate Resolution No. 5

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communication he may have to make.

Resolution read, and, on motion of Senator Rich, adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Rich, Drobish, and Breed as the Special Committee to call upon the Governor, and notify him of the organization of the Senate, and the Senate is now ready to receive any communication he may have to make.

By Senator Jespersen :

Senate Resolution No. 6

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State.

Resolution read, and, on motion of Senator Jespersen, adopted.

Appointment of Special Committee

The President announced in accordance with the above resolution the appointment of Senators Jespersen, Parkman, and Michael J. Burns as the Special Committee to notify the Assembly that the Senate is now duly organized, and ready to proceed with the business of State.

By Senator Cunningham :

Senate Resolution No. 7

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate has elected the following statutory officers :

President pro Tempore—Harold J. Powers

Secretary of the Senate—Joseph A. Beek

Sergeant-at-Arms—Joseph F. Nolan

Minute Clerk—John F. Lea

Chaplain—Rev. Nelson E. Hinman

Resolution read, and on motion of Senator Cunningham, adopted.

By the Committee on Rules :

Senate Resolution No. 8

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the

State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law, for attendance upon the 1949 Regular Session of the Legislature:

Senators	County	Mileage	Total at 5 cents per mile
Abshire, F. Presley	Sonoma	228	\$11 40
Breed, Arthur H., Jr.	Alameda	180	9 00
Brown, Charles	Inyo	1,292	64 60
Burns, Hugh M.	Fresno	338	16 90
Burns, Michael J.	Humboldt	621	31 20
Busch, Burt W.	Lake	320	16 00
Collier, Randolph	Siskiyou	590	29 50
Coombs, Nathan F.	Napa	122	6 10
Crittenden, Bradford S.	San Joaquin	94	4 70
Cunningham, R. R.	Kings	428	21 40
Desmond, Earl D.	Sacramento	2	10
Dillinger, H. E.	El Dorado	100	5 00
Dilworth, Nelson S.	Riverside	1,092	54 60
Donnelly, Hugh P.	Stanislaus	182	9 10
Dorsey, Jess R.	Kern	550	27 50
Drobish, Harry E.	Butte	198	9 90
Gibson, Luther E.	Solano	112	5 60
Hatfield, George J.	Merced	236	11 80
Hulse, Ben	Imperial	1,206	60 30
Jespersen, Chris N.	San Luis Obispo	666	33 30
Johnson, Harold T.	Placer	38	1 90
Judah, H. R.	Santa Cruz	338	16 80
Keating, Thomas F.	Marin	210	10 50
Kraft, Fred H.	San Diego	1,146	57 30
Mayo, Jesse M.	Calaveras	170	8 50
McBride, James J.	Ventura	980	49 00
Miller, George, Jr.	Contra Costa	168	8 40
O'Gara, Gerald J.	San Francisco	180	9 00
Parkman, Harry L.	San Mateo	222	11 10
Powers, Harold J.	Modoc	832	41 60
Regan, Edwin J.	Trinity	434	21 70
Rich, Wm. P.	Yuba	106	5 30
Salsman, Byrl R.	Santa Clara	202	10 10
Sutton, L. G.	Colusa	150	7 50
Swing, Ralph E.	San Bernardino	1,016	50 80
Tenney, Jack B.	Los Angeles	894	44 70
Ward, Clarence C.	Santa Barbara	920	46 00
Watson, Clyde A.	Orange	962	48 10
Weybret, Fred	Monterey	484	24 20
Williams, J. Howard	Tulare	468	23 40

Officers	County	Mileage	Total at 10 cents per mile
Knight, Goodwin J., President	Los Angeles	894	\$89 40
Beek, J. A., Secretary	Orange	990	99 00
Nolan, Joseph F., Sergeant-at-Arms	Los Angeles	894	89 40
Lea, John F., Minute Clerk	Sacramento	2	20

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

By the Committee on Rules:

Senate Resolution No. 9

Resolved, That the Controller be and he is hereby directed to deliver to Joseph F. Nolan, Sergeant-at-Arms, or such of his assistants as the Sergeant-at-Arms may designate, warrants for salaries and expenses of members and officers of the Senate.

Resolution read, and unanimously adopted.

By the Committee on Rules:

Senate Resolution No. 10

Creating the Senate Legislative Process Committee and defining its powers and duties

WHEREAS, Many of the legislative proposals involve problems within the jurisdiction of more than one standing committee of the Senate, and the adequate considera-

tion of such measures requires the cooperation of such several committees in order to avoid duplicating the work of one such committee by another, and much delay in the legislative process could be avoided if it were possible to eliminate such duplication of effort and provide a means for expediting the consideration of such measures; and

WHEREAS, There is need of a committee equipped to ascertain facts and secure facts and secure information upon assigned topics from time to time during the session, a committee acting in aid of and in collaboration with the several standing committees of the Senate; now, therefore, be it

Resolved by the Senate of the State of California, As follows:

1. A special committee designated the "Senate Legislative Process Committee" is hereby created and authorized and directed to take such steps as may be necessary to coordinate the work of the various standing committees of this session in considering questions before such session in order that there be no duplication of work or effort, and to make such studies as may be necessary, ascertain such facts and information, and secure such statistics for the use of the members and committees of the Senate as may be of aid to them in considering and acting upon legislative proposals at this session.

2. The committee shall consist of the same members of the Senate as the Senate Committee on Rules, and shall have the same chairman.

3. The committee is authorized to act during this session of the Legislature, including any recess, but not after final adjournment.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members except that the members of the committee shall serve without compensation and shall not be allowed mileage.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding regular session are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Senate from time to time and at any time.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objects and purposes of this resolution.

6. The sum of forty-five thousand dollars (\$45,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—40.

NOES—None.

Reports of Special Committees

The following reports of special committees were received:

Senators Rich, Drobish, and Breed, the Special Committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported they had performed their duty.

Senators Jespersen, Parkman, and Michael J. Burns, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported that they had performed their duty.

RESOLUTIONS

The following resolutions were offered :

By Senator Abshire :

Senate Resolution No. 11

Relative to the Passing of the Honorable Clarence J. Tauzer

WHEREAS, Divine Providence ordained that on September 4, 1948, the Honorable Clarence J. Tauzer should be called to his reward ; and

WHEREAS, Senator Tauzer was a native of Gilroy, California, from which place he moved to Willits and later to Vacaville receiving his schooling in these two California cities ; still later attending Stanford University from which he graduated in 1923 and from which he received his degree of Doctor of Jurisprudence ; and

WHEREAS, Immediately after graduation he made his home in the City of Santa Rosa, Sonoma County, where he engaged in the practice of law, and in various activities for the public welfare ; and

WHEREAS, During his years in Santa Rosa he endeared himself to the community by diligent, energetic, and generous support of community activities being especially interested in the cause of education. He was noted particularly for his work in the development and advancement of the Junior College—an institution to which he once gave his service as a coach until sufficient funds were available to employ someone to serve in that capacity ; and an institution which valued his services so highly as to name this gymnasium in his honor, and which at this time is preparing new tokens of recognition of his service. In addition to all his varied labors, he patriotically served his country as a Major in the United States Army during World War II ; and

WHEREAS, The Honorable Clarence J. Tauzer, who was popularly and convivially known as "Red," was elected to the Senate of the State of California in November, 1947, and served during the Budget Session of 1948 ; and

WHEREAS, Though his tenure of office in the Senate was brief, he bears the distinction of having elicited respect and confidence of those who knew him in his public office to a marked and exceptional degree ; now, therefore, be it

Resolved by the Senate of the State of California, That it deeply mourns the loss of this vital and capable member from this body, and desires by this resolution to record its sense of loss and to convey to the members of Senator Tauzer's family its sympathy in their bereavement ; and, be it further

Resolved, That when the Senate adjourns on Tuesday, January 4, 1949, it shall do so in honor of the memory of Senator Clarence J. Tauzer ; and, be it further

Resolved, That the Secretary of the Senate be, and he is hereby directed, to prepare suitably engrossed copies of this resolution, and to forward the same to Olive Tauzer, the widow ; and C. Brooking Tauzer and William H. Tauzer, sons of the Honorable Clarence J. Tauzer.

Resolution read, and adopted by a rising vote of the following Senators :

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobrish, Gibson, Hatfield, Hulse, Jaspersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—40.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered :

Senate Concurrent Resolution No. 1: By Senator Miller—Relative to passing of the Honorable William R. Sharkey.

Resolution read.

Request for Unanimous Consent

Senator Miller asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 1, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 1

Senate Concurrent Resolution No. 1—Relative to passing of the Honorable William R. Sharkey.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—40.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 2: By Senator Desmond—Relative to approving amendments to the charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948.

Resolution read.

Request for Unanimous Consent

Senator Desmond asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 2, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 2

Senate Concurrent Resolution No. 2—Relative to approving amendments to the charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

NOES—None.

Resolution ordered transmittted to the Assembly.

RECESS

At 12.50 p.m., on motion of Senator Powers, the Senate recessed until 2.30 p.m.

REASSEMBLED

At 2.30 p.m., the Senate reconvened.

Hon. Goodwin J. Knight, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 3, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly has selected the following officers for the 1949 Regular Session:

<i>Speaker</i> -----	Sam L. Collins
<i>Speaker pro Tempore</i> -----	Thomas A. Maloney
<i>Chief Clerk</i> -----	Arthur A. Ohnimus
<i>Assistant Chief Clerk</i> -----	Harold F. Lewright
<i>Minute Clerk</i> -----	Geraldine B. Hadsell
<i>Sergeant-at-Arms</i> -----	Wilkie Ogg
<i>Chief Assistant Sergeant-at-Arms</i> -----	Andrew J. Cecchetti
<i>Chaplain</i> -----	Dr. Torrance Phelps

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Chief Clerk

RESOLUTIONS

The following resolutions were offered:

By Senator O'Gara:

Senate Resolution No. 12

Relative to the continuance of the Senate Interim Committee on Community Redevelopment Problems and the Housing Emergency, with particular reference to veterans' housing

Resolved by the Senate of the State of California,

1. The Senate Interim Committee on Community Redevelopment Problems and the Housing Emergency, with particular reference to veterans housing, created by Senate Resolution No. 118 at the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such Rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of _____ dollars (\$____) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senator O'Gara:

Senate Resolution No. 13

Relative to the continuance of the Senate Interim Committee on Harbors

Resolved by the Senate of the State of California,

1. The Senate Interim Committee on Harbors created by Senate Resolution No. 119, of the 1947 Regular Session, is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such Rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of ----- dollars (\$-----) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senators Tenney, Hugh M. Burns, Kraft, Dilworth, Watson, and Sutton:

Senate Resolution No. 14

Relative to augmenting the funds of the Senate Fact-Finding Committee
on Un-American Activities

Resolved by the Senate of the State of California. That in addition to any money heretofore made available, the sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the Senate Fact-Finding Committee on Un-American Activities (created by Senate Resolution No. 75, as amended, 1947 Regular Session) and its members and for any charges, expenses or claims incurred by it under said resolution, during the period for which it was created, to be paid from the Contingent Fund of the Senate and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

RECESS

At 2:55 p.m., on motion of Senator Powers, the Senate recessed until 4:25 p.m.

IN JOINT CONVENTION

ASSEMBLY CHAMBER, SACRAMENTO

Monday, January 3, 1949

At 3 p.m., the Senate and Assembly met in Joint Convention.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

ANNOUNCEMENT

Speaker Sam L. Collins announced the presence in the Assembly Chamber of the Hon. Goodwin J. Knight, Lieutenant Governor of the State of California and President of the Senate; and the Hon. Harold J. Powers, President pro Tempore of the Senate, and invited them to the rostrum.

INTRODUCTION OF PRESIDENT PRO TEMPORE OF THE SENATE

Hon. Sam L. Collins, Speaker of the Assembly, then presented President pro Tempore Harold J. Powers of the Senate to the Joint Convention.

PRESENTATION OF THE LIEUTENANT GOVERNOR

Senator Harold J. Powers, President pro Tempore of the Senate, then presented the President of the Senate, Lieutenant Governor Goodwin J. Knight, to the Joint Convention.

SENATE ROLL CALL

Hon. Goodwin J. Knight, President of the Senate, directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—40.

The President declared a quorum of the Senate present.

ASSEMBLY ROLL CALL

Hon. Sam L. Collins, Speaker of the Assembly, directed the Chief Clerk to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, Collier, Condon, Connolly, Conrad, Cooke, Cramer, Crichton, Crowley, Davis, Dickey, Clayton A. Dills, Ralph C. Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Heisinger, Hineley, Hoffman, Hollibaugh, Huyek, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Price, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Way, Weber, and Mr. Speaker—79.

The Speaker of the Assembly declared a quorum of the Assembly present.

APPOINTMENT OF JOINT COMMITTEE ON ESCORT

Lieutenant Governor Goodwin J. Knight, President of the Senate, announced the appointment of Senators Powers, Chairman; Hulse, Cunningham, Busch, and Crittenden as the Senate Committee to escort His Excellency, Hon. Earl Warren, Governor of the State of California, to the bar of the Assembly.

Hon. Sam L. Collins, Speaker of the Assembly, announced the appointment of Messrs. Maloney, Chairman; Sherwin, Dickey, Ralph C. Dills, and Lowrey as the Assembly Committee to escort His Excellency, Hon. Earl Warren, Governor of the State of California, to the bar of the Assembly.

ANNOUNCEMENT

Speaker Sam L. Collins announced the appointment of Mr. Weber as a Select Committee to escort Mrs. Earl Warren, wife of His Excellency, the Honorable Earl Warren, Governor of California, to the rostrum.

REPORT OF JOINT COMMITTEE ON ESCORT

The Joint Committee on Escort, appointed to wait upon the Governor, and escort him to the Joint Convention, appeared at the bar of the Assembly, and announced the presence of His Excellency, Hon. Earl Warren, Governor of the State of California.

PRESENTATION OF THE PRESIDENT OF THE SENATE

Hon. Sam L. Collins, Speaker of the Assembly, then presented the President of the Senate, the Honorable Goodwin J. Knight, Lieutenant Governor of the State of California, to the Joint Convention.

PRESENTATION OF THE GOVERNOR

Hon. Goodwin J. Knight, Lieutenant Governor of California, then presented Governor Warren to the Joint Convention.

ADDRESS BY THE GOVERNOR

Governor Warren then proceeded to address the Joint Convention as follows:

ANNUAL MESSAGE TO THE LEGISLATURE

By

GOVERNOR EARL WARREN

Sacramento, California

January 3, 1949

*Members of the Senate and the Assembly
of the State of California*

Once again I welcome you to Sacramento for what I trust will be an interesting and a purposeful session of the Legislature. I particularly welcome the new members who are here for the first time to share in the responsibilities of our State Government. To them I say, as I have said on other occasions to the older members, that I not only believe in, but have always respected in practice, the wise constitutional separation of powers which assigns to the Legislature the power of making the laws, and to the Governor, the responsibility for their administration. This constitutional pattern makes us partners in the government of our State. It contemplates, and I am sure the people expect, that we will work as partners to achieve for them honest, efficient, humane, and forward looking government.

It is in this spirit of welcome and cooperation, and in compliance with our Constitution, that I report to you upon the condition of our State Government, and make certain recommendations which call for your consideration.

Anniversary of Days of '49

There is both historic and practical significance in the fact that we commence this session of the Legislature in the centennial anniversary of the days of '49. Just 100 years ago California experienced its first great influx of settlers in search of the gold that had been discovered in the hills of the Mother Lode. Those were colorful, adventurous days that have been recorded for us in the romantic, stirring tales of our history books. But they were also difficult days for those thousands who found themselves striving for existence in a new region which had never expected them and had never prepared itself for their arrival.

When gold was discovered there were less than fifteen thousand people, exclusive of native Indians, in the length and breadth of what is now California. In the spring of 1849 the settlers came by sea and trail, pouring in by the thousands, and within little more than a year there were over a hundred thousand people. They clustered in makeshift communities and attempted to get along without houses, without roads, without law enforcement services, without health or sanitation facilities. They were without schools for their youngsters and those that would soon be born here. They had no havens for the care of the unfortunates among them who broke under the strains of a feverishly busy, but thoroughly disorderly, life.

Those forty-niners had no time to theorize about government. Their day-to-day experience, however, gave them a very practical realization of the discomforts, the severities, and the tragedies that multiplied as long as they delayed the work of setting up the basic services that make for orderly community life. They realized that other thousands following them into California would aggravate the living problems of all. They reacted with common sense, energy, foresight, and speed. They understood their predicament and they did something about it to save themselves from disaster.

Local governments were quickly created. Before the year's end, in the American tradition, a State Government was established under a Constitution. Courts were set up, roads were planned, and the first state services—schools, jails and other institutions—were authorized by the Legislature and built with remarkable speed.

History Repeats Itself

Since that time history has been repeating itself. Wave after wave of migration has swept over California, often to find us unprepared. The first came in the 'sixties with the building of the first transcontinental railroad; another during the 'eighties with improved transportation and the silver boom; another during the first decade of the present century with a drift of settlers from the Middle West; another during the 'twenties with the great movement of easterners and middle westerners to Southern

California; another during the 'thirties with the exodus from the drought and the dust bowl.

Present Population Growth

But it remained for World War II to put into motion the greatest and most overwhelming influx that our State has ever known.

From less than seven million people in 1940 we have swelled in population to more than ten million in the short period of eight years, an increase of 46 percent in contrast to a national increase of 9 percent—an absorption of over three million people, the equivalent of the combined populations of many states of the Union. It is without question one of the greatest voluntary peacetime migrations in recorded history.

In 1940 no one could have visualized the tremendous proportions of this population growth. We did not realize then that a million war workers from other parts of the nation would come to and remain in California after the war. We did not realize then that over three hundred thousand service men from other states would take their discharges and stay in California. We did not realize that this population movement would continue on at the rate of almost a quarter of a million new settlers in California every year since the war.

From the fifth state of the Union in population in 1940 we are now pressing Pennsylvania for second place, with an official estimate by the United States Department of Commerce that our 1948 population was 10,031,000.

California is happy to receive these people and make them a part of its life. For the most part they come here with the very simple, understandable, and commendable object of improving themselves and creating a better life for their families. They will make possible the fuller development of our State. But this unprecedented growth has also created urgent governmental problems, partly because we did not expect to digest so large a population in so short a time, and partly because, even if we had been forewarned, we could have done little to prepare for this situation during stringent war years.

Now we must make up for those lost years—for the losses and delays caused first by depression and then by a World War, and finally by inflation with its resultant shortages and increase in costs. Just as the pioneers of one hundred years ago faced their predicament and did something about it, so we must accept the responsibility of adjusting this State to its growth and for preparing ahead of time for the requirements of the future.

It is easy to be misled into the error of assuming that growth itself is prosperity, particularly in inflationary times. Yet, the terms are clearly not synonymous. In every phase of life, growth can be either good or bad, orderly or disorderly. Growth, if it is to be good growth, must receive constant attention. We must prepare for it and adjust to it. Otherwise, it will bring distress and disaster—the very opposite of prosperity.

I am sure everyone who has had occasion to travel our State during recent months and survey the growth and expansion which has taken place, recognizes this distinction. Growth in population in California has outstripped physical plant and in public facilities the shortage has become so extreme that the security, the health, and the education of a growing population is involved.

As we meet here today to bring action to bear upon this problem, we are fortunate, in view of the enormity of the job to be done, that through foresight we have an accumulation of reserve funds with which to finance our endeavors. These reserves were saved during wartime and since, in fulfillment of a fixed state policy of setting aside funds for the construction of needed public utilities when such construction is possible. During the years we have set aside enough to take care of some of the most urgent construction needs of State Government, but there is need for every dollar saved and there will be need for additional dollars, for construction costs have been rising even as our requirements for additional facilities have risen. It is not my purpose to discuss finances today. That will be done in the Budget Message at a later date. But in reporting on the condition of the State I must comment on its needs. And needs call for money, either money that has been saved or money that must be raised by taxation.

Education

The needs for which these reserves have been created are great in every branch of our State Government. They range from the requirements for schools and hospitals to correctional institutions. Our State University is grossly overcrowded. It is endeavoring to meet the requirements of 17,000 more students than it had in 1940, the year of its peak enrollment before the war. The same thing is true of our state colleges. They are trying to care for 12,000 more students. Our public schools—elementary, high schools, and junior colleges—are desperately trying to meet the needs of 500,000 more pupils than we had in 1940.

We have set up reserves for the minimum construction needs of our university and state colleges. But, the needs increase day by day and sound public policy requires

that these reserves be used for their intended purposes as promptly as building conditions permit.

We must also have a comprehensive program to assist, as far as State Government can reasonably do so, in the construction of elementary, high school, and junior college facilities in order to catch up with the tremendous educational requirements of a new population.

In the last two years, the State Government has appropriated \$57,000,000 to hard-pressed school districts in order to reduce their classroom shortage. But, we find that school classes are still being held under difficult conditions, oftentimes in temporary war housing, church buildings, or makeshift quarters.

The crowding of children into our public schools in this way makes it difficult to maintain the teaching standards that our people demand. It is of the utmost importance that we formulate an orderly program for the construction of new schools, one that will be based on the idea of the cooperation of all levels of government in order to get the job done.

California schools have been the pride of our State. I am sure that all of us want them maintained in accordance with high standards. But, if these standards are to be maintained, we must see to it that our state colleges for the training of teachers are adequate, that the conditions of the school teaching profession are attractive to present and future teachers, and that classroom facilities are sufficient to permit proper teaching and training of our children.

Hospitals for the Mentally Ill

Then there are the hospitals which all civilized and humane societies provide for the care of their unfortunate mental casualties. For years these hospitals have been inadequate. Overcrowding, fire hazards, a high incidence of tuberculosis, and lack of adequate treatment facilities combine to create a deplorable situation that would touch the heart of anyone capable of pity. One of our first moves six years ago was to eliminate certain serious fire hazards and take measures for the over-all improvement of treatment and care. The Department of Mental Hygiene was reorganized and modern methods put into effect as far as possible to transform it from a mere custodial agency into one for the prevention and cure of mental illness.

But at no time have we caught up with the housing needs at our hospitals. Even the acquisition of two former army general hospitals with temporary facilities for approximately 5,800 patients did not materially ease the strain. These facilities and others of a more permanent nature to be added will still leave our hospitals overcrowded by approximately 30 percent at the end of the next fiscal year.

The funds which have been set aside by the Legislature for this purpose will measurably relieve these conditions but the ever increasing needs and higher construction costs will require many more millions of the bonding program originally authorized by the Legislature to be completed. If there ever was a conscience fund in government, this reserve fund is it.

Youth Authority

As a result of the complete reorganization of the California Youth Authority, we are now in a position for the first time in the history of our State to make an intelligent approach to juvenile delinquency. But the demands upon it have more than doubled in the last five years and it must be given the minimum need facilities for which provision has also been made in our postwar building construction reserve.

Unless these additional facilities can be made available at once, we will again have hundreds of young boys and girls waiting in our county jails and juvenile homes for long periods of time before they can be accepted by the Youth Authority. This deplorable and demoralizing situation must not be allowed to occur.

This is an obligation that rests heavily upon all of us, and I am sure that the people of the State do not want us to neglect the young people who need the assistance of the Youth Authority in their retraining for good and useful citizenship.

Corrections

There is also the problem of providing adequate facilities for the confinement and rehabilitation of the criminal offenders in our state prisons. The public safety requires that every effort be made to prepare prison inmates for a useful place in society, thereby diminishing the possibility that these persons will be a menace to the lives and property of law abiding citizens upon release.

Our prison population is now the highest in the State's history—more than ten thousand as of this date. Although the ratio of prison inmates to total population is still less in California than in many states, the continuing growth in population forces us to conclude that the present steady increase in prisoners will continue for years to come.

To house its more than ten thousand prisoners, California now has capacity in permanent structures for a total of only 5,300. The excess population is being cared for by overcrowding of the institutions, by the use of unsatisfactory temporary facilities, and by the expansion of prison road and forest camps to an unprecedented degree. San Quentin is overcrowded by 68 percent and Folsom by 41 percent. The California

Institution for Women, built to house 150 inmates, is now caring for more than 315. We have reached, and perhaps already passed, the limit beyond which we may expect to avoid serious trouble. Prisoners cannot be handled under such circumstances in an orderly, or even a safe manner.

Although we have completely reorganized our prison system and have initiated one of the Country's most progressive correctional programs, lack of proper facilities is forcing a well trained and efficiently organized personnel in the Department of Corrections to perform its functions under the most difficult conditions. Funds have been saved and authorized for new institutions to take care of immediate needs and to provide additions and modernization for existing prisons. Postwar conditions have delayed construction until now. In the interests of public safety we must now catch up with 20 years of accumulated needs.

Unemployment Insurance

Our Unemployment Insurance System, in operation since 1936, has demonstrated its great value as an economic stabilizer in a state where job turnover is high because of diversified and seasonal employment. The number of individuals in the Unemployment Insurance System increased more than one million between 1940 and 1948. Five percent of these insured workers draw benefits during the first months of 1948 as compared with 6.2 percent during 1940.

We have learned through experience a great deal about unemployment insurance administration. Many of the loopholes through which the fund could be abused by persons fraudulently claiming benefits have been discovered and the Department of Employment has been constantly reducing this kind of exploitation. It has been somewhat handicapped in this field by restrictions of the Federal Government, but the latter is being urged to authorize sufficient funds to continually improve administration. It is only through such improvement that we can give better service to workers and employers and eliminate the abuses which defraud a system to which millions of honest workers look for effective protection against economic upsets and inevitable job turnover.

At the present time, substantial groups of workers, mainly agricultural workers and employees of nonprofit corporations, are denied protection and are excluded from the system. The exclusion of farm workers has worked unfairly against many rural communities which have had to deal with unemployment of farm workers by the unsatisfactory and costly method of relief. I have always believed that, if unemployment insurance is sound government policy for some employees, it is equally sound for all.

I, therefore, urge that you give consideration at this session to extending the protection of our unemployment insurance program to those groups which have heretofore been excluded.

Disability Insurance

Two years ago we established a disability insurance program under which the employees' unemployment contributions were set aside for their protection against unemployment due to illness. I am happy to report that this program has been successful. The results have been even better than we anticipated. Industry, workers, and private insurers have cooperated under good administration by the Department of Employment.

After payment of all expenses and benefits, we have already built up a reserve of approximately eighty five million dollars—a reserve substantially exceeding the present and reasonably anticipated requirements of the program. In addition, there is the sum of \$107,000,000 in the Unemployment Fund in the Federal Treasury consisting of employees' contributions made prior to the time our disability program went into effect. These funds can also be used for disability purposes if needed.

The working men and women of the State have contributed this entire fund. They are entitled to receive such liberalization of disability benefits as their contributions make possible.

I, therefore, urge that the benefits of this disability program be liberalized as far as can be done consistently with the financial solvency of the program.

Our disability program, which is one of the pioneers of its kind, now covers 3,100,000 wage or salary workers in our State. Of this number, 930,000 are covered under voluntary plans, which, as you know, are permitted to participate in the program.

I have always believed that workers need protection when their unemployment is due to illness even more than when their unemployment is due to job market conditions. A liberalization of this protection will give our California working people a measure of security in the event of sickness or injury—risks which are a constant source of anxiety to every family.

Highways

The conditions of California's Highway System proved in another way what a doubling of population can do to public facilities that have not been expanded to meet growth. The congestion of nearly four million vehicles on our highways and streets required more and wider traffic lanes with safer operating conditions. Positive action

the Legislature to make an excellent and most desirable building modern safety features into highway facilities, including a more improved construction of the freeway program.

Our present program for the extension and modernization of California's highways and major city streets was adopted in the early 1940's. The increase in revenue which it provided was used to correct, in substantial part, the deficiencies of our highways, streets, and bridges.

I am sure that the highway construction law under way in all parts of the State will greatly demonstrate the need for the program and the merit of the program. We are starting at the program designed and I believe advanced. I am confident that in a comparatively short time, we will have achieved the immediate serious condition and will have insured the interests that would otherwise retard the progress of our State.

Public Health

No state was ever so afflicted as California is today with the public health. We have made considerable progress in the last few years through measures designed to encourage and increase our State Department of Public Health, to raise the standards of local health departments and assist this institution, to stimulate the cooperation of our professional groups, to speed up the fight against tuberculosis and cancer, to increase the medical center at San Francisco and to establish a new and fully medical medical school at Los Angeles.

We have not, however, come to grips with the fundamental problem of bringing good medical care within the financial means of the average family. We have developed high standards of medical science and medicine in our State, but they have become so costly as to be beyond the means of a large percentage of our people. I do not refer to those who are indigent. The public hospitals and clinics in most places enable them with courtesy and skill. I refer to those who may have the medical care and who do not want to become indigent, who want to make good American families and pay their own way without government aid. They are the backbone of America.

For these people and their families of this in California, the cost of medical care is so high that they cannot pay for it without grinding their resources and without depriving themselves of other things that are needed to make a good American family.

I believe this situation can be remedied by a system of health insurance to which everyone contributes and through which everyone will receive medical care in time of sickness.

In 1945 and 1947 I recommended such a system, but the bills were never passed so much as that the Senate, upon the day of the fact that it was recommended by a special interim committee of the Senate in January, 1947.

I have never lost any sense of authority in this subject. I have never claimed that the law suggested to me was the only one that could solve the problem. I have always offered to consult and advise with any group that is sincerely interested in bringing good medical care within the financial means of our people. I repeat that offer now in renewing my recommendation for action in this field.

I also repeat that this should be and can be done without interfering with the traditional freedom of those holding private medical and health—a freedom which I have always wanted to see preserved—and that to me, no less without contribution of other our physicians or our hospitalization system in which I have always been opposed.

Water Pollution

In the field of public health I again call your attention to the need for preventing the contamination of the waters of this State—the waters of our streams, our offshore waters, and our underground waters. These waters are being polluted to an alarming degree by industrial wastes and to sewage disposal. The total 27,000 of our water, our coastal water, including estuaries, has made this problem more urgent day by day. It is becoming an emergency since I called it to your attention two years ago.

Unless something is done, the pollution of our waters will destroy their usefulness for agriculture, will retard the expansion of commerce, and will create a constant menace to the public health. Pollution of water is waste of water and we cannot afford to waste water for any of its purposes. Certainly we cannot continue to carry on farm warfare against our people.

I trust that your committee studies of this subject will result in effective measures to meet this problem.

Workmen's Compensation

At the 1947 Session of the Legislature a commendable advance was made to bring the schedule of workmen's compensation benefits up to date. While the maximum death benefit was then increased from \$10,000 to \$7,500 weekly, \$30 a week. I call your attention to the fact that in the case of a widow with small children the period of these benefits would terminate in about five years, leaving such a widow without further resources.

I recommend that our workmen's compensation schedule of benefits be reviewed in the light of present living costs, and, particularly, that the death benefit provision

be reviewed for the purpose of making better provision for a widow during the period of her children's dependency.

I also believe that the time has come when consideration should be given to the inclusion in our workmen's compensation system of the groups that are now excluded from this protection by law.

Small Loans

Two years ago, I instructed the Corporation Commissioner to request legislation designed to correct a deficiency in our laws governing small loans, a deficiency which has become more serious during this inflationary period.

Under present law, loans only up to \$300 are regarded as small loans subject to control on interest rates. But no ceiling has ever been fixed for such loans over \$300. Legislation was introduced at the 1947 Session of the Legislature to impose a ceiling on such loans over \$300, but in the course of the session, amendments were adopted which had the effect of making these ceilings ineffective. The bill in its final form was so obviously inadequate that neither the Corporation Commissioner nor I could longer support it in good conscience.

The legislative deficiencies in the small loan field which existed two years ago still remain. I, therefore, again urge that action be taken to provide a ceiling on interest rates and charges in the small loan business on loans over \$300. This ceiling should be so fixed as to give, not the mere appearance of control, but real protection to necessitous borrowers in our State.

Labor-management Relations

Three years ago we established the Institute of Industrial Relations at the University of California. It has been given a good start and I believe that it can be made an even more practical means of bringing about better understanding in the field of industrial relations in California. Both labor and management have taken a real interest in its work. We should now make increasingly practical use of the information that has been developed by the institute concerning the technique of collective bargaining. We can do this now by taking the forward looking step of establishing a representative Industrial Relations Commission, which would have the benefit of the institute staff and committees, to make enlightened findings on labor relations in industry without waiting for actual controversies to arise. If we do this, we will place our State firmly upon the only true road to labor-management cooperation. I suggest that such a commission be established.

I have on occasions similar to this expressed the belief that industrial peace can best be achieved, not by legislative counterattacks of management and labor against each other for their own advantage, but only through the better understanding that comes from a knowledge of the other fellow's problem as well as our own. It depends upon the extent to which management and labor look upon their relations as something that involves the public interest as well as their own.

This is particularly important in a state where basic industry is not yet expanding as rapidly as population. Industry in our State is still insufficient to give any long term assurance of jobs and payrolls to our additional thousands of bread-winners.

If the conditions causing present high level employment should change, and if workers should be looking for jobs instead of jobs looking for workers before we get more basic industry, we would be hit harder than any state in the Union. We must, therefore, encourage the development of industry. There is no better way to do this than by establishing a reputation for and by practicing good industrial relations.

Housing

The extent to which the population of California has outstripped our physical plant has been distressingly demonstrated by our housing shortage. For nearly two decades and for reasons peculiar to the depression, the war, and inflation, we have fallen far behind in the supply of housing within the means of the new families that have been clamoring for them. Only recently has it been possible to make some headway with the construction of thousands of new homes. But, we are still a very congested State and thousands of families are living under conditions that are not good for them or their communities.

At my suggestion the 1945 Legislature passed an Urban Redevelopment Act establishing the procedure by which a city, largely with private funds, could clear and rebuild its slums and blighted districts, modernize its physical environment, and stimulate the construction of decent housing, especially for low income groups that are the victims of slum conditions.

At the 1947 Session of the Legislature we followed with the creation of a State Redevelopment Agency through which California might formulate a real program to stimulate the supply of dwellings for its people, eliminate slums and temporary war housing, and assist our cities with urban redevelopment projects.

The law creating this Redevelopment Agency became effective in September, 1947. It was given only a temporary tenure with a terminal date 91 days after the adjournment of this 1949 Legislature. Funds for its support were provided only until June 30, 1948. I appointed its personnel and instructed it to proceed as expeditiously as possible. The 1948 Budget Session of the Legislature failed to approve funds

requested for its continued operation and it therefore became imperative before it had a chance to make a real start.

The Redevelopment Agency was a logical and practical step in the development of sound state policy in the field of housing, which is filled with complex, difficult problems. It must be reactivated if this State is to keep itself properly informed on housing conditions and upon the soundest methods for stimulating the production of the amount and kind of housing the situation requires. Only through such an agency can we determine the appropriate time and manner of replacing temporary war facilities with permanent housing; develop a policy that will encourage the construction of rental units; bring about more uniformity in our building codes and requirements; work with the Federal Government and the local communities on our federal housing program that may be undertaken, and find a formula for implementing and stimulating the Urban Redevelopment Act of 1945.

It seems fundamental to me that California, which has been experiencing a housing shortage greater than any state in the Union, should not neglect the first step for improvement of its housing situation; namely, the creation of an agency to work at it.

I, therefore, recommend that the Redevelopment Agency be made permanent and that it be enabled to resume its important work as soon as possible.

Social Welfare

In the field of social welfare our State Government has been engaged in the task of preparing to put into effect the recently adopted Proposition No. 4, now Article XXV of our State Constitution. This constitutional amendment calls for a transfer of the administration of our old age assistance program from the counties to the State and provides a new schedule of benefits for old age assistance.

I wish to commend the efficiency and resourcefulness of our State Controller, our Director of Finance, and the former Director of our Department of Social Welfare. These officials and their staffs have accomplished what for a time seemed to be the almost impossible task of adjusting present administrative procedures to the requirements of the new constitutional amendment, which became effective January first.

This difficult adjustment has been made in such a way that there will be a minimum of inconvenience and delay in the service of those entitled to old age assistance.

I also wish to express the appreciation of the State to the counties for their cooperation in entering into contracts under which the county personnel has been temporarily enlisted to put the new procedure into effect. This cooperation has been invaluable pending such time as this service can be integrated into the State Government.

There has been a great deal of discussion, concerning the amount of additional money required by the new constitutional amendment and the source from which that money should come. This has been stimulated by the new constitutional provision creating a first lien on all money in the State Treasury for the payment of old age assistance benefits.

I am quite sure that the people of our State, when voting for old age assistance increases and liberalizations, expected the Legislature to provide for their payment under a soundly devised financing program. Such a program certainly means that provision should be made for a permanent source of revenue that will raise funds regularly to meet the new requirements.

The expedient of using funds presently on hand, but accumulated for and committed to other necessary humanitarian purposes, would not meet the requirements of a real financing program. That would be a mere gesture of financial legend which would leave the financing of the new program still unsolved.

I, therefore, recommend that the Legislature take into consideration not only all of the revenue resources of the State, but also all of its needs and obligations, and take such steps as may be necessary to raise such additional funds as may be required to soundly and regularly finance the old age assistance program as modified by Article XXV of the Constitution.

Planning and Research

No state can grow as swiftly and variously as California without attention being given to its fundamental economic and social trends as reflected by dependable statistical information. Coupled with this, attention must also be given to comprehensive planning for its public works in order to bring public services into line with industrial and community growth. We have had for many years on our statute books a Planning Act, and in the 1947 Session of the Legislature, we adopted a Planning and Research Act, which, among other things, would implement the Planning Act. This Planning and Research Act, however, contained a time limit which would terminate its operation on the 91st day after the adjournment of this present Legislature. This made it difficult to obtain a qualified director and staff to carry out its provisions. As a result of this difficulty, together with the fact that no funds were provided for research and physical planning at the 1948 Budget Session, there is now no means at all for carrying out the Planning Act. I, therefore, recommend that the research and planning function be made a permanent state activity.

Such action will be of great value to the Legislature, the Governor, the state departments, local units of government, and the public. It will minimize the danger of costly mistakes that often result when public agencies fail to plan ahead cooperatively among themselves and with private industry.

Crime Commissions

In November, 1947, acting under statutory authority, I created five special crime commissions for the purpose of making a careful factual study of the various phases of criminal justice in our State. To these commissions I appoint outstanding citizens. They have worked courageously and diligently.

While their tasks have not yet been completed, progress reports are being made and I commend them to your consideration. In accordance with the original plan, these commissions will make their final reports and be discharged on or before July 1, 1949. The work of most of them should be completed by that time and the need for their activities at an end.

However, in the case of the Commission on Organized Crime, the developments to date indicate clearly the necessity for a continued study of underworld conditions. The fact that there is in our State an underworld which is reaching out and seeking to organize crime on a commercial basis must be apparent to all who read the news of the day.

That California is a fertile field for such activities no one can doubt. Law enforcement officers know it and want the public to appreciate the seriousness of it. They feel the need for a public understanding of crime conditions. Through their state associations and as individuals they have worked cooperatively with the commission. They have commended the commission for its activities and have urged that the work be continued. I thoroughly agree with them. I am also certain that a failure to do so would be a complete surrender to the underworld and an invitation to racketeers, crooks, and gangsters everywhere to prey upon the people of our State.

Agriculture

No report on the condition of our State could be complete without reference to the foundation of its economy. It is important to remember that for a number of years, California's agricultural crops and products have exceeded in value those of any other state of the Union, with the single exception that during 1948, when our \$2,000,000,000 agricultural crop was exceeded in one state by a very small margin.

California agriculture, upon which we so greatly depend for our welfare and prosperity, was tremendously stimulated by wartime requirements. Its condition is still, to a large extent, abnormal by reason of the requirements of foreign relief and other federal programs. Our many specialty crops have not had the protection of subsidies and supports that has been provided for the more staple crops of the Nation. It is of the utmost importance, therefore, that we be alert to any change of economic conditions that might disrupt our agriculture, and in so doing, injure our whole state economy.

We must prepare ourselves ahead of time to meet any such situation. It would, therefore, be well at this time for the Legislature to review all our state programs affecting agriculture, agricultural research, standards, soil conservation and utilization, pest control and animal diseases, and especially the various marketing programs that have been devised in the past to meet the unique requirements of California agriculture.

The latter should be reviewed in the light of present conditions to make certain that they serve the best interests of both producer and consumer.

No discussion of agriculture, or, for that matter, of business or industry in California, would be adequate without mention of our all-important problem of water conservation.

I firmly believe that the most important feature in the development of our State is the conservation of our water. We must save every drop of it. We must use it for every purpose that it can be used for, irrigation, flood control, power, domestic use, preservation of wild life, and many other uses.

There is developing throughout the country a general awareness of the necessity for water conservation in the West. I believe the federal programs for that purpose will be accelerated, and we must continue to do our part in seeing that California is a beneficiary of them.

Political and Economic Equality

In recent years we have had an influx into our State of thousands with varied racial backgrounds. For the most part we have enjoyed freedom from racial bitterness and conflict. It cannot be denied, however, that this situation presents a constant occasion for racial tension which would be aggravated by any economic or political crisis.

I have always believed that the government of a great State like ours has a continuing obligation to concern itself with the promotion of a good relationship between racial groups. We must seek continuing improvement and ultimately the eradication of those habits of thought and action which block the road to an era of mutual respect and consideration.

This is a problem to be solved by bringing about more thoughtfulness on the part of all of us. We can do this if we have some fair-minded, thoroughly representative body, acting on behalf of all the people, to survey actual conditions and bring to light such latent causes of conflict as threaten to disturb our community life.

I have on several occasions recommended the establishment of a Commission on Political and Economic Equality. Such a commission would investigate, study, and report conditions to the Legislature and to the Governor. At the present time, state government has no means of obtaining objective information in this field. A commission, such as I have suggested, would be in a position to center public attention on fundamentals of Americanism that are involved. It would be a constructive move toward the building of a finer, more livable State for all. I, therefore, again recommend its establishment.

I have spoken to you at this length because the Constitution contemplates that on this occasion we should take stock of the condition of our State. There are many other matters, of course, that will require your consideration. I have no doubt that many of you have additional problems in mind. It is not possible to deal adequately with all these matters within the limits of this formal message. I will, however, be glad to discuss all of them with you from time to time in my office to which I invite each and every one of you for the discussion of anything that you consider of importance to our State.

I believe you will find, as I have, that few of our problems are really new. Most of them have been with us for some time, but they are becoming more pressing as our State grows. They will not solve themselves. We must do something about them.

With a desire to cooperate for the common good I am sure that we can accomplish a great deal to prepare this wonderful State for a second century of progress.

GOVERNOR AND MRS. WARREN ESCORTED FROM JOINT CONVENTION

At the request of Speaker Collins, the Joint Committee on Escort accompanied Governor and Mrs. Earl Warren from the Joint Convention.

ADJOURNMENT OF JOINT CONVENTION

At 4.19 p.m., there being no further business, the Speaker of the Assembly declared the Joint Convention adjourned *sine die*.

IN SENATE

At 4.25 p.m., the Senate reconvened.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

COMMITTEE FROM THE ASSEMBLY

A committee from the Assembly, consisting of Assemblymen Maloney, Doyle, and Erwin appeared at the bar of the Senate, and informed the Members of the Senate that the Assembly had duly organized, and was ready to proceed with the business of the State.

ADJOURNMENT

At 4.30 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 11 a.m., Tuesday, January 4, 1949, out of respect to the memory of the late Honorable William R. Sharkey.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SECOND LEGISLATIVE DAY

SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, January 4, 1949

The Senate met at 11 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

COMMUNICATIONS

The following communications were received and read, and ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF MOTOR VEHICLES

January 3, 1949

*Mr. Joseph A. Beek, Secretary of the Senate
State Capitol, Sacramento, California*

DEAR MR. BEEK: In further response to your letter of March 29, 1948, relating to Senate Resolution No. 49, I regret to advise that the department found it impossible to determine the amount of license fees paid for vehicles used primarily on farms in the production of agricultural products.

Vehicle registrations are classified only as to autos, trucks, trailers, and motorcycles. There is no breakdown as to their use. Consequently there are no records or facilities by which this information could be determined by the department.

From our experience and knowledge of the subject matter, it is believed that a census of each farmer would probably be the only method by which such information can be secured. The department has no facilities or funds whatever with which to conduct such a census.

Assuring you that the department will do its utmost to assist in any future action in this matter, I am,

Respectfully yours,

A. H. HENDERSON, Director

CAPITOL CORRESPONDENTS ASSOCIATION OF CALIFORNIA
STATE CAPITOL, SACRAMENTO, January 3, 1949

Hon. Joseph A. Beek, Secretary
The Senate, Sacramento, California

DEAR MR. BEEK: The Capitol Correspondents Association has elected the following officers to serve during 1949:

President, Earl C. Behrens, San Francisco Chronicle.

Vice President, Neil Shaw, International News Service.

Secretary, J. F. McLaughlin, United Press.

Standing Committee: Archie Wells, Associated Press, chairman; Lloyd Lapham, United Press; Neil Shaw, International News Service.

Sincerely,

EARL C. BEHRENS, President

CAPITOL CORRESPONDENTS ASSOCIATION OF CALIFORNIA
STATE CAPITOL, SACRAMENTO, January 3, 1949

Hon. Joseph A. Beek, Secretary
The Senate, Sacramento, California

DEAR MR. BEEK: The standing committee of the Capitol Correspondents Association has examined a number of applications for authentication as accredited press representatives and recommend the following action:

Approved for Press Cards

Associated Press—Archie Wells, Wayne Harbert, Joseph T. Cullivan, Morrie Landsberg, William Waugh, Roger Barr, Joseph Lipper, Allan Barton, Carol Ann Carlson.

United Press—Lloyd Lapham, Thomas J. Goff, J. F. McLaughlin, Edward J. Dolan, Allen Merriam, Wayne Sargent, Robert Young.

International News Service—Neil Shaw, Frederic J. Rupp.

Sacramento Union—J. L. Roy Rosenberg, E. E. Nichols, H. D. Osborne, Norman Deuel, Stanley I. Wilson, Joseph Benetti.

Sacramento Bee—Herbert L. Phillips, Richard Rodda, Thomas Arden, Robert M. Blanchard, S. J. Archibald, Walter P. Jones, Myron V. Depew, Hamilton Hintz, Rudy Hickey, Al Lyons, Robert Handsaker.

Fresno Bee and Modesto Bee—O. M. Shelton.

McClatchy Broadcasting Company—George E. Helmer, Tony Koester.

San Francisco Chronicle—Earl C. Behrens.

San Francisco News—Mary Ellen Leary.

San Francisco Examiner—Royal W. Jimerson, Jack Welter.

San Francisco Peoples World—Steve Murdock.

San Francisco Call-Bulletin—C. Lyn Fox.

Wall Street Journal—Chapin A. Day.

Oakland Tribune—Don Thomas.

Los Angeles Examiner—Carl Greenberg.

Los Angeles Daily News—Leslie E. Claypool.

Los Angeles Times—Chester Hanson.

Los Angeles Mirror—James Bassett.

Copley Papers—Dick Bergholtz.

Western News Service—Earl G. Waters, Henry C. MacArthur, William E. O'Brien, Norris C. Mills, Christian R. Holmes.

Radio Station KROY—Clyde F. Coombs, William J. Ratcliff, Paul Sullivan.

Approved for Visitors Cards (Magazines)

Fortnight—Douglas Jaques.

MacBride's Newsletter—Kirt MacBride, Agnes Booe.

Sincerely,

EARL C. BEHRENS, President

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 1

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 1—In honor of the late Honorable John C. Lyons.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 1, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 1

Assembly Concurrent Resolution No. 1—In honor of the late Honorable John C. Lyons.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, Williams—40.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to have the following remarks of Assemblyman Thomas A. Maloney, regarding the passing of Assemblyman John C. Lyons, printed in the Journal.

Remarks by Assemblyman Thomas A. Maloney

Most grievous of all occasions in life, is that of bidding farewell to one whom we have known and loved. Truly it is not easy for me today to face the need or to give expression to what you and I most deeply feel.

Into the home of one of our dearest friends, there has come a sorrow, and if by brief and single tribute, we can make it known to them, that this sorrow is not only theirs, but yours and mine as well, I do it gladly.

So today upon the convening of the 1949 session of the California State Legislature, meeting for a common purpose, we pause and share a few minutes, to signify our respect, our sympathy and our love to the memory of a member of this body, the late Assemblyman John C. Lyons of the 64th District Los Angeles, California, indicating if sorrow is capable of division we tenderly assume our part.

No man or no woman ever graced the legislative halls of this great State of ours, who was more loved and respected than our late colleague.

No man or no woman ever represented his constituents in a more abler manner than John C. Lyons.

Possessed with ability to be a leader, he was chosen by his organization, The Plasterers Union of Los Angeles as its manager, striving and succeeding to promote closer relationship between employer and employee. His goal was better working conditions and wages for his fellow man and lasting peace for the industry he so well represented.

John C. Lyons was a Christian man, a devoted husband, a perfect father and a staunch and devoted friend. In all of the years I had known him, I never heard him speak ill or disparagingly of anyone. He loved his family, he loved you and me, and above all, gentlemen, he loved his Country. As this fine American goes down the lane from which no one has ever returned, he leaves behind broken hearts which never can be healed, but he also leaves behind a cherished memory, to those who had the privilege of serving with him.

Some one once said, "Life is but a day in the cycle of eternity," then I may say of him,

"For memory has painted this
Perfect day
With colors that never fade
And we find at the end of a
Perfect Day
The soul, of a friend we've made."

To Mrs. Lyons, his devoted wife; and daughter, Virginia, we extend our sympathy in their hours of bereavement.
May God have mercy on his soul.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 3, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointments, and respectfully request your confirmation thereof and consent thereto:

EDWIN L. CARTY, a resident of Oxnard; Mayor of the City of Oxnard; Past President of the Southern California Council of Conservation Clubs; was appointed, effective April 27, 1948, as Member of the Fish and Game Commission, vice H. H. Arnold, resigned, as interim appointee pursuant to Section 1774 of the Government Code;

to the Fish and Game Commission, vice self, for the term prescribed by law, ending January 15, 1949.

WILLIAM G. WELT, a resident of San Francisco; retired railroad conductor; legislative representative of the Railway Conductors; Member of the Board of State Harbor Commissioners for San Francisco Harbor since May 1, 1943; was appointed, effective May 3, 1948, as Member of the Board of State Harbor Commissioners for San Francisco Harbor, vice self, as interim appointee pursuant to Section 1774 of the Government Code;

to the Board of State Harbor Commissioners for San Francisco Harbor, vice self, for the term ending May 1, 1952.

MIKE VUJOVICH, a resident of Camarillo; rancher near Camarillo Hospital; Member of the Board of Trustees, Camarillo State Hospital since April 21, 1944; was appointed, effective May 20, 1948, as Member of the Board of Trustees, Camarillo State Hospital, vice self, as interim appointee pursuant to Section 1774 of the Government Code;

to the Board of Trustees, Camarillo State Hospital, vice self, for the four-year term prescribed by law.

W. D. BANNISTER, a resident of Oxnard; principal of Oxnard Union High School; Member of the Board of Trustees, Camarillo State Hospital since April 21, 1944; was appointed, effective May 20, 1948, as Member of the Board of Trustees, Camarillo State Hospital, vice self, as interim appointee pursuant to Section 1774 of the Government Code;

to the Board of Trustees, Camarillo State Hospital, vice self, term expired, for the four-year term prescribed by law.

MRS. FLORENCE JANSS, a resident of Los Angeles; Member of the Board of Trustees, Camarillo State Hospital since April 21, 1944; was appointed, effective May 20, 1948, as Member of the Board of Trustees, Camarillo State Hospital, vice self, as interim appointee pursuant to Section 1774 of the Government Code;

to the Board of Trustees, Camarillo State Hospital, vice self, for the four-year term prescribed by law.

GEORGE E. COURSER, a resident of San Diego; Chief of the San Diego Fire Department; was appointed, effective May 4, 1948, as Member of the State Fire Advisory Board, vice Walter M. Johnson, resigned, as interim appointee pursuant to Section 1774 of the Government Code;

to the State Fire Advisory Board, vice self, to serve at the pleasure of the Governor.

GLENN V. WALLS, a resident of Sacramento; Deputy Attorney General and legal advisor of the Department of Employment until May 5, 1948; veteran of World War II; was appointed effective May 5, 1948, as Member of the California Unemployment Insurance Appeals Board and Member of the California Employment Stabilization Commission, vice Hiram W. Johnson, III, resigned, as interim appointee pursuant to Section 1774 of the Government Code;

to the California Unemployment Insurance Appeals Board and Member of the California Employment Stabilization Commission, vice self, for the term prescribed by law, ending May 1, 1952.

EARL B. REEVES, a resident of Fontana; Chief of the Fontana Fire Department; was appointed, effective June 7, 1948, as Member of the State Fire Advisory Board, vice C. Neal Niday, resigned, as interim appointee pursuant to Section 1774 of the Government Code;

to the State Fire Advisory Board, vice self, to serve at the pleasure of the Governor.

MRS. ELIZABETH L. HOFFY, a resident of Martinez; active in community affairs and the Red Cross; was appointed, effective September 14, 1948, as Member of the

Social Welfare Board, vice Mrs. Jessie Williamson, deceased, as interim appointee pursuant to Section 1774 of the Government Code;

to the Social Welfare Board, vice self, for the term prescribed by law, ending January 15, 1951.

B. J. FEIGENBAUM, a resident of San Francisco; attorney; Member of the Assembly representing the 31st Assembly District, San Francisco, 1926 to 1932; was appointed, effective November 9, 1948, as Member of the Board of State Harbor Commissioners for San Francisco Harbor, vice Thomas Coakley, resigned, as interim appointee pursuant to Section 1774 of the Government Code;

to the Board of State Harbor Commissioners for San Francisco Harbor, vice self, for the term ending May 1, 1949.

PETER E. MITCHELL, a resident of Sacramento; a member of the City Council of Sacramento since November 1938; was appointed, effective November 12, 1948, as Member of the California Unemployment Insurance Appeals Board and Member of the California Employment Stabilization Commission, vice Toland C. McGittigan, resigned, as interim appointee pursuant to Section 1774 of the Government Code;

to the California Unemployment Insurance Appeals Board and Member of the California Employment Stabilization Commission, vice self, for the term prescribed by law, ending January 1, 1951.

EDWARD P. WALSH, a resident of San Francisco; Chief of the San Francisco Fire Department; was appointed, effective November 18, 1948, as Member of the State Fire Advisory Board, vice A. J. Sullivan, resigned, as interim appointee pursuant to Section 1774 of the Government Code;

to the State Fire Advisory Board, vice self, to serve at the pleasure of the Governor.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 3, 1949

To the Honorable Members of the Senate

State of California, Sacramento, California

GENTLEMEN: Pursuant to the provisions of Section 1774 of the Government Code, which provides that within 10 days after the meeting of the Legislature, the Governor must transmit to it a list of all appointments made by him in accordance with that section, I have the honor to transmit to you herewith a list of all appointments so made since the last session of Legislature.

Respectfully,

EARL WARREN, Governor

EDWIN L. CARTY, a resident of Oxnard, Mayor of the City of Oxnard, Past President of the Southern California Council of Conservation Clubs, was appointed April 27, 1948, as Member of the Fish and Game Commission, vice H. H. Arnold, resigned.

WILLIAM G. WELT, a resident of San Francisco, retired railroad conductor, Member of the Board of State Harbor Commissioners for San Francisco Harbor since May 4, 1943, was reappointed May 3, 1948, vice self, term expired.

MIKE VUJOVICH, a resident of Camarillo, rancher near Camarillo Hospital, was reappointed May 20, 1948, as Member of the Board of Trustees, Camarillo State Hospital.

W. D. BANNISTER, a resident of Oxnard, principal of Oxnard Union High School, was reappointed May 20, 1948, as Member of the Board of Trustees, Camarillo State Hospital.

MRS. FLORENCE JANSS, a resident of Los Angeles, was reappointed May 20, 1948, as Member of the Board of Trustees, Camarillo State Hospital.

GEORGE E. COURSER, a resident of San Diego, Chief of the San Diego Fire Department, was appointed May 4, 1948, as Member of the State Fire Advisory Board, vice Walter M. Johnson, resigned.

GLENN V. WALLS, a resident of Sacramento, Deputy Attorney General and legal advisor of the Department of Employment until May 5, 1948, was appointed May 5, 1948, as Member, California Unemployment Insurance Appeals Board and Member, California Employment Stabilization Commission, vice Hiram W. Johnson III, resigned.

EARL B. REEVES, a resident of Fontana, Chief of the Fontana Fire Department, was appointed June 7, 1948, as Member of the State Fire Advisory Board, vice C. Neal Niday, resigned.

MRS. ELIZABETH L. HOEY, a resident of Martinez, active in community affairs and the Red Cross, was appointed September 14, 1948, as Member of the Social Welfare Board, vice Mrs. Jessie Williamson, deceased.

B. J. FEIGENBAUM, a resident and attorney of San Francisco, Member of the Assembly representing the 31st Assembly District, San Francisco, 1926 to 1932, was appointed November 9, 1948, as Member of the Board of State Harbor Commissioners for San Francisco Harbor, vice Thomas Coakley, resigned.

PETER E. MITCHELL, a resident of Sacramento, a member of the City Council of Sacramento since November 1938, was appointed November 12, 1948, as Member, California Unemployment Insurance Appeals Board and Member, California Employment Stabilization Commission, vice Toland C. McGettigan, resigned.

EDWARD P. WALSH, resident of San Francisco, Chief of the San Francisco Fire Department, was appointed November 18, 1948, as Member of the State Fire Advisory Board, vice A. J. Sullivan, resigned.

Message read and ordered printed in the Journal.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 1.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Joint Resolution No. 1—Relative to the election of the Honorable Harry S. Truman as President and the Honorable Alben W. Barkley as Vice President of the United States.

Request for Unanimous Consent

Senator Desmond asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 1, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 1

Assembly Joint Resolution No. 1—Relative to the election of the Honorable Harry S. Truman as President and the Honorable Alben W. Barkley as Vice President of the United States. -

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 3: By Senator Michael J. Burns—Relative to approving amendments to the charter of the City of Eureka, a municipal corporation in the County of Humboldt, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948.

Request for Unanimous Consent

Senator Michael J. Burns asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 3, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 3

Senate Concurrent Resolution No. 3—Relative to approving amendments to the charter of the City of Eureka, a municipal corporation in the County of Humboldt, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

NOES—None.

Resolution ordered transmitted to the Assembly.

RECESS

At 11.18 a.m., on motion of Senator Keating, the Senate recessed to allow Senator Hulse to present to the Senate the Honorable George Luckey, Vice President of the State Democratic Central Committee, and to hear his remarks.

REASSEMBLED

At 11.20 a.m., the Senate reconvened.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 1: By Senator Mayo—An act to amend Section 28153 of the Government Code, relating to compensation for public services in counties of the fifty-third class.

Referred to Committee on Local Government.

Senate Bill No. 2: By Senator Mayo—An act to amend Section 28150 of the Government Code, relating to compensation for public services in counties of the fiftieth class.

Referred to Committee on Local Government.

Senate Bill No. 3: By Senator Mayo—An act to amend Section 28146 of the Government Code, relating to compensation for public services in counties of the forty-sixth class.

Referred to Committee on Local Government.

Senate Bill No. 4: By Senator Michael J. Burns—An act to amend Section 28125 of the Government Code, relating to compensation for public services in counties of the twenty-fifth class.

Referred to Committee on Local Government.

Senate Bill No. 5: By Senator Salsman—An act to amend Section 2 of an act entitled "An act to provide for the relocation of a portion of State Highway Route 5 in Santa Clara County, making an appropriation therefor, and declaring the urgency hereof, to take effect immediately,"

approved July 17, 1947, relating to relocation of a portion of State Highway Route 5, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

Senate Bill No. 6: By Senators Breed and Watson—An act to add Section 2333.5 to the Health and Safety Code, relating to annexation of cities to mosquito abatement districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 7: By Senators O'Gara and Miller—An act making an appropriation for the support of the State Redevelopment Agency, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 8: By Senator Weybret—An act to amend Section 9 of the Monterey County Flood Control and Water Conservation District Act, relating to flood control.

Referred to Committee on Water Resources.

Senate Bill No. 9: By Senators Breed, Cunningham, Judah, and Ward—An act to add Section 12024.6 to the Business and Professions Code, relating to the sale of ice cream.

Referred to Committee on Agriculture.

Senate Bill No. 10: By Senators O'Gara and Miller—An act to add a heading to Article 19 of the Community Redevelopment Act, providing for the continuation of the existence of the State Redevelopment Agency, and repealing Section 4 of Chapter 1515, Statutes of 1947, making an appropriation for the support of said agency, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 11: By Senator Desmond—An act to amend Section 3041 of the Business and Professions Code, relating to the practice of optometry.

Referred to Committee on Business and Professions.

Senate Bill No. 12: By Senators Dilworth, Weybret, Donnelly, Jespersen, and Williams—An act to restrict zoning and covenant restrictions that prohibit the boarding or rooming of university or college students in the vicinity of state universities or colleges.

Referred to Committee on Education.

Senate Bill No. 13: By Senators Dilworth, Weybret, Jespersen, Donnelly and Williams—An act to add Section 13225 to Article 2, Chapter 9, Division 7 of the Education Code, relating to oaths of certificated school employees.

Referred to Committee on Education.

Senate Bill No. 14: By Senator Dilworth—An act to add Division 3.5 to the Water Code, relating to tunnels, and providing for the licensing, inspection and approval of tunnels through water bearing strata and preserving the rights to water flowing into such tunnel.

Referred to Committee on Water Resources.

Senate Bill No. 15: By Senator Swing—An act to add Section 66m to the Code of Civil Procedure and to repeal an act entitled "An act increasing the number of judges of the Superior Court in the State of California, in and for the County of San Bernardino, and providing for the appointment of an additional judge and for his compensation," approved May 17, 1927, relating to the number of judges in the County of San Bernardino, the appointment of an additional judge, and for his compensation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 16: By Senator Swing—An act to amend Section 2191.5 of the Business and Professions Code, relating to applications to the Board of Osteopathic Examiners of the State of California for physicians' and surgeons' certificates, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Business and Professions.

Senate Bill No. 17: By Senator Swing—An act to amend Section 2 of the Judges' Retirement Act, relating to retirement with retirement allowance of justices and judges.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 18: By Senator Rich—An act to amend Section 4852.17 of the Penal Code, relating to the restoration of certain rights to persons who are granted full and unconditional pardons.

Referred to Committee on Judiciary.

Senate Bill No. 19: By Senator Rich—An act to amend Sections 2051 and 2065 of the Code of Civil Procedure, relating to examination and impeachment of witnesses.

Referred to Committee on Judiciary.

Senate Bill No. 20: By Senator Dorsey—An act to add Part 2, comprising Chapters 1 to 13, inclusive, and Sections 8100 to 8268, inclusive, to Division 9 of the Streets and Highways Code, providing for the formation, government, and dissolution of separation of grade districts, prescribing their powers, providing for the performance of certain functions relating thereto by county officers, and relating to separation of grade of city streets by overpass, underpass and tunnel.

Referred to Committee on Transportation.

Senate Bill No. 21: By Senator Parkman—An act to add Section 531 to the Streets and Highways Code, relating to state highway routes.

Referred to Committee on Transportation.

Senate Bill No. 22: By Senator Parkman—An act to amend Sections 20026 and 20032 of, and to add Sections 20006 and 20071.5, and Article 4.5 to Chapter 1, Part 1, Division 14 of, the Health and Safety Code, relating to police protection districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 23: By Senator Hatfield—An act to add Section 9105 to the Government Code, relating to the State Capitol Building, the management thereof, and the assignment and reassignment of space therein, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Rules.

Senate Bill No. 24: By Senator Hatfield—An act to add Sections 9105 and 9106 to the Government Code, relating to the State Capitol Building, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Rules.

Senate Bill No. 25: By Senator Hatfield—An act to add Section 1905 to the Government Code, relating to the State Capitol Building.

Referred to Committee on Rules.

ADJOURNMENT

At 11.30 a.m., on motion of Senator Powers, the President declared the Senate adjourned until 11 a.m., Wednesday, January 5, 1949, out of respect to the memory of the late Honorable Clarence J. Tauzer and the late Honorable John C. Lyons.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

THIRD LEGISLATIVE DAY

THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, January 5, 1949

The Senate met at 11 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Himman.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 1

Senate Concurrent Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By P. CRUM, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 5, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 2

Assembly Concurrent Resolution No. 3

Assembly Concurrent Resolution No. 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 2—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 2, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 2

Assembly Concurrent Resolution No. 2—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—38.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA; GOVERNOR'S OFFICE

SACRAMENTO, January 4, 1949

*To the Honorable Members of the Senate
State of California, Sacramento, California*

GENTLEMEN: Pursuant to the provisions of Section 1774 of the Government Code, which provides that within 10 days after the meeting of the Legislature the Governor must transmit to it a list of all appointments made by him in accordance with that section, I have the honor to transmit to you, in addition to the names previously submitted on January 4, 1949, the following:

HAROLD P. HULS, 2161 Byron Street, Palo Alto, formerly City Attorney of Pasadena, Member of the Public Utilities Commission since November 1, 1945, was reappointed on December 30, 1948, effective January 1, 1949, as Member of the Public Utilities Commission, vice self, term expired.

KENNETH POTTER, a resident of Fresno, Professor at Fresno State College, Member of the Public Utilities Commission since February 5, 1947, was reappointed on December 30, 1948, effective January 1, 1949, as Member of the Public Utilities Commission, vice self, term expired.

Respectfully,

EARL WARREN, Governor

Message read, and ordered printed in the Journal.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 3—Relative to approving amendments to the charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 3, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 3

Assembly Concurrent Resolution No. 3—Relative to approving amendments to the charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 5—Relative to approving amendments to the charter of the City of Eureka, a municipal corporation in the County of Humboldt, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948.

Request for Unanimous Consent

Senator Michael J. Burns asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 5, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 5

Assembly Concurrent Resolution No. 5—Relative to approving amendments to the charter of the City of Eureka, a municipal corporation in the County of Humboldt, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Weybret, and Williams—38.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered :

Senate Concurrent Resolution No. 4: By Senator Powers—Relative to the appointment of the State Controller as accounting officer for the Legislature for tax and other purposes.

Request for Unanimous Consent

Senator Powers asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 4, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 4

Senate Concurrent Resolution No. 4—Relative to the appointment of the State Controller as accounting officer for the Legislature for tax and other purposes.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered :

Senate Concurrent Resolution No. 5: By Senator Abshire—Relative to approving certain amendments to the charter of the City of Santa Rosa, a municipal corporation of the County of Sonoma, State of California, voted for and ratified by the qualified electors of said city at a regular general municipal election held therein on the sixth day of April, 1948.

Request for Unanimous Consent

Senator Abshire asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 5, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 5

Senate Concurrent Resolution No. 5—Relative to approving certain amendments to the charter of the City of Santa Rosa, a municipal corporation of the County of Sonoma, State of California, voted for and ratified by the qualified electors of said city at a regular general municipal election held therein on the sixth day of April, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly,

Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 26: By Senator O'Gara—An act to amend Section 6341 of the Business and Professions Code, relating to the establishment of branch law libraries.

Referred to Committee on Business and Professions.

Senate Bill No. 27: By Senators Mayo and Rich—An act to amend Section 3 of the Property Acquisition Act, relating to the acquisition of property by the State in connection with the postwar construction program, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 28: By Senator O'Gara—An act to amend Section 6363 of the Business and Professions Code, relating to the effect of Division 3, Chapter 5 of the Business and Professions Code on law libraries formed under prior laws.

Referred to Committee on Business and Professions.

Senate Bill No. 29: By Senator Desmond—An act to amend Sections 767 and 758 of the Political Code, relating to officers and employees of the Supreme Court and district courts of appeal, and making an appropriation.

Referred to Committee on Judiciary.

Senate Bill No. 30: By Senator Coombs—An act making an appropriation for the maintenance of a band at the State Veterans' Home.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 31: By Senator Rich—An act to amend Section 13554 of the Health and Safety Code and to add Section 9535 to the Business and Professions Code, relating to the inspection of cleaning, dyeing or pressing establishments.

Referred to the Committee on Public Health and Safety.

Senate Bill No. 32: By Senator Rich—An act to amend Section 7211 of the Business and Professions Code, relating to the Guide Dog Fund.

Referred to Committee on Business and Professions.

Senate Bill No. 33: By Senator Rich—An act to add Section 11010 to the Government Code, relating to charges made by state agencies.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 34: By Senator Rich—An act to add Section 13320.5 to the Government Code, relating to budgets of state agencies.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 35: By Senator Rich—An act to repeal Chapter 3 of Division 12 of the Education Code, consisting of Sections 24351 to 24355, inclusive, relating to the California State Historical Association.

Referred to Committee on Education.

Senate Bill No. 36: By Senator Rich—An act to add Section 2137.1 to the Business and Professions Code, relating to the practice of medicine within state institutions, prisons, or homes.

Referred to Committee on Business and Professions.

Senate Bill No. 37: By Senator Rich—An act to amend Section 12973.7 of the Insurance Code, relating to documents and publications.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 38: By Senator Swing—An act to add Section 1062.5 to, and to amend Section 11032 of, the Government Code, relating to absences of state officers and employees from the State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 39: By Senator Williams—An act to add Section 18061 to the Education Code, relating to the construction and repair of school property.

Referred to Committee on Education.

Senate Bill No. 40: By Senator Williams—An act to add Section 411 to the Penal Code, making it a misdemeanor to threaten to inflict bodily injury upon another and to fail to report such a threat.

Referred to Committee on Judiciary.

Senate Bill No. 41: By Senator Williams—An act to amend Section 27322 of the Government Code, relating to recording of instruments.

Referred to Committee on Local Government.

Senate Bill No. 42: By Senator Williams—An act to amend Section 27288 of the Government Code, relating to the recording of documents.

Referred to Committee on Local Government.

Senate Bill No. 43: By Senator Williams—An act to amend Section 27380 of the Government Code, relating to filing fees.

Referred to Committee on Local Government.

Senate Bill No. 44: By Senator Williams—An act to repeal Section 27378 of the Government Code, relating to the fee for recording marks or brands.

Referred to Committee on Local Government.

Senate Bill No. 45: By Senator Williams—An act to amend Section 27320 of the Government Code, relating to duties of county recorders.

Referred to Committee on Local Government.

Senate Bill No. 46: By Senator Williams—An act to amend Section 27321 of the Government Code, relating to duties of county recorders.

Referred to Committee on Local Government.

Senate Bill No. 47: By Senator Williams—An act to repeal Sections 27206, 27207, 27208, and 27209 of the Government Code, relating to duties of county recorders.

Referred to Committee on Local Government.

Senate Bill No. 48: By Senator Williams—An act to amend Section 2316 of the Public Resources Code, relating to fees for recordation of affidavits regarding labor performed and improvements made upon mining claims.

Referred to Committee on Natural Resources.

Senate Bill No. 49: By Senator Williams—An act to add Section 649 to the Penal Code, relating to persons soliciting alms and selling merchandise representing themselves to be deaf.

Referred to Committee on Judiciary.

Senate Bill No. 50: By Senator Williams—An act to amend Section 17 of the Political Code, relating to definitions of certain terms used in said code.

Referred to Committee on Judiciary.

Senate Bill No. 51: By Senator Williams—An act to amend Section 2316 of the Public Resources Code, relating to fees for recording affidavits of labor or improvements on mining claims.

Referred to Committee on Natural Resources.

Senate Bill No. 52: By Senator Williams—An act to add Section 1208 to the Civil Code, relating to the execution of instruments entitled to be recorded in the office of the county recorder.

Referred to Committee on Judiciary.

Senate Bill No. 53: By Senator Williams—An act to amend Section 2313 of the Public Resources Code, relating to mining claims, tunnel locations and mill sites, and the recording of notice of location, markings of boundaries, and performance of discovery work.

Referred to Committee on Natural Resources.

Senate Bill No. 54: By Senator Williams—An act to amend Section 10607 of the Health and Safety Code, relating to proceedings to establish record of birth, death, or marriage.

Referred to Committee on Public Health and Safety

Senate Bill No. 55: By Senator Williams—An act to amend Section 19619 of the Health and Safety Code, relating to disposition of filing fee for delayed birth certificate.

Referred to Committee on Public Health and Safety.

Senate Bill No. 56: By Senator Williams—An act to amend Section 19618 of the Health and Safety Code, relating to the filing fee of delayed birth certificates.

Referred to Committee on Public Health and Safety.

Senate Bill No. 57: By Senator Williams—An act to amend Section 19617 of the Health and Safety Code, relating to registration of previously unregistered births.

Referred to Committee on Public Health and Safety.

Senate Bill No. 58: By Senator Williams—An act to amend Section 10112 of the Health and Safety Code, relating to transmittal of copies of birth or death certificates.

Referred to Committee on Public Health and Safety.

Senate Bill No. 59: By Senator Williams—An act to amend Section 10579 of the Health and Safety Code, relating to certified copies of birth, death, and marriage certificates.

Referred to Committee on Public Health and Safety.

Senate Bill No. 60: By Senator Williams—An act to add Section 6904 to the Education Code, relating to the crediting of average daily attendance, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 61: By Senator Powers—An act to add Article 5, comprising Section 9126, to Chapter 1, Part 1, Division 2, Title 2 of the Government Code, providing for the establishment of special accounts for certain appropriations for expenses of the Legislature.

Referred to Committee on Rules.

Senate Bill No. 62: By Senator Dorsey—An act to amend Section 533 of the Vehicle Code, relating to school busses and the regulation of traffic in connection therewith, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Transportation.

Senate Bill No. 63: By Senator O'Gara—An act to add Section 1908.5 to the Harbors and Navigation Code, relating to police protection, declaring the urgency thereof to take effect immediately.

Referred to Committee on Transportation.

Senate Bill No. 64: By Senators Dorsey, Judah, Jespersen, Sutton, and Dillinger—An act to amend Chapter 8 of Division 10 of the Education Code, relating to establishing 24-hour schools to be known as California Academies for dependent, neglected, and homeless children

who require special care and supervision, and providing for the government and administration thereof.

Referred to Committee on Education.

Senate Bill No. 65: By Senators Judah and Salsman—An act to amend an initiative act entitled "An act to amend an act entitled 'An act for the certification of land titles and the simplification of the transfer of real estate,' approved March 17, 1897," approved by electors November 3, 1914, by adding Sections 48.1 to 48.9, inclusive, thereto, relating to the withdrawal of land from registry under the said act, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution.

Referred to Committee on Judiciary.

Senate Bill No. 66: By Senator Judah—An act to amend Section 374 of the Vehicle Code and Section 10781 of the Revenue and Taxation Code, relating to exemption of vehicles from registration and license fees.

Referred to Committee on Transportation.

Senate Bill No. 67: By Senator Keating—An act to add Section 66k to the Code of Civil Procedure, relating to the number of judges of the Superior Court in the County of Marin, and providing for the appointment of an additional judge and for compensation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 68: By Senator Keating—An act to amend Section 660 of the Vehicle Code, relating to the sale of used vehicles.

Referred to Committee on Transportation.

Senate Bill No. 69: By Senator Desmond—An act to repeal Section 661 of, and to amend Sections 660, 662, and 665 of, the Agricultural Code, relating to milk manufacturing plants, and making an appropriation.

Referred to Committee on Agriculture.

Senate Constitutional Amendment No. 1: By Senator Rich—Proposed amendment to Article IV of the Constitution, relative to initiative measures, by adding Section 1c.

Referred to Committee on Revenue and Taxation.

Senate Constitutional Amendment No. 2: By Senators Judah, Jespersen, Hatfield, and Combs—Proposed amendment adding Section 1c to Article IV of the Constitution, relative to initiative measures.

Referred to Committee on Elections.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 5, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 10

Assembly Concurrent Resolution No. 11

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 10—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a consolidated general election and special municipal election held therein on the second day of November, 1948.

Request for Unanimous Consent

Senator O'Gara asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 10, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 10

Assembly Concurrent Resolution No. 10—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a consolidated general election and special municipal election held therein on the second day of November, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Ward, Weybret, and Williams—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 11—Relative to the selection of the Legislative Counsel of California.

Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 11, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 11

Assembly Concurrent Resolution No. 11—Relative to the selection of the Legislative Counsel of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Swing, Ward, Weybret, and Williams—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Concurrent Resolution No. 6: By Senator Parkman—Relative to approving a certain amendment to the charter of the County of San Mateo, State of California.

Request for Unanimous Consent

Senator Parkman asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 6, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 6

Senate Concurrent Resolution No. 6—Relative to approving a certain amendment to the charter of the County of San Mateo, State of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Williams—32.
NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Williams:

Senate Resolution No. 15

Relative to the creation of the Senate Interim Committee on Fish and Game

Resolved by the Senate of the State of California, As follows:

1. The Senate Interim Committee on Fish and Game is hereby created and authorized and directed to ascertain, study and analyze all facts relating to fish and game, the conservation and protection thereof and all matters dealing with, relating to or otherwise pertaining to fish and game including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1951 Regular Session, with authority to file its final report not later than the thirtieth legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(f) To meet and act, and to authorize its subcommittees and employees to meet and act, both within and without the State of California in the performance of its duties.

6. The sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT

Senator Keating asked for, and was granted, unanimous consent to have the following excerpt from the report of the State Park Commission, relating to the suitability of Angel Island as a recreational area, printed in the Journal:

STATE OF CALIFORNIA, DIVISION OF BEACHES AND PARKS
DEPARTMENT OF NATURAL RESOURCES
SACRAMENTO 14, December 21, 1948

Hon. Joseph Beck, Secretary of the Senate
State Capital Building, Sacramento, California

DEAR MR. BECK: In accordance with Assembly Joint Resolution No. 2, Chapter 32, Statutes of 1948, the California State Park Commission has investigated the suitability of Angel Island relative to cost, development, cost and mode of transportation, water facilities and suitability as a state park or recreational area.

A copy of the report of the investigation of the State Park Commission is attached. This is for your information and consideration and for inclusion in the Journal if it is deemed necessary by your honorable body.

Very truly yours,

J. H. COVINGTON, Executive Secretary

EXCERPT FROM THE MINUTES OF THE MEETING OF THE CALIFORNIA STATE PARK COMMISSION, HELD IN SAN FRANCISCO, CALIFOR- NIA, ON NOVEMBER 19, 1948

Proposed Acquisition—Angel Island

Commissioner Kasch presented report upon the findings of this commission relative to the acquisition of Angel Island as an addition to the State Park System. It was moved by Commissioner Kasch that the following resolution be adopted:

Resolved, That the following be approved in the matter of the proposal that Angel Island be acquired as a state park:

Under the provisions of Assembly Joint Resolution No. 2, the State Park Commission was requested to investigate "the suitability of Angel Island, relative to cost, development, cost and mode of transportation, water facilities and suitability as a state park or recreational area", and that if the commission, after such investigation, concludes that it would be desirable for inclusion in the State Park System, to proceed with acquisition.

This commission has made an investigation in conformity with the foregoing resolution, without, however securing detailed engineering studies. We felt that the wide engineering experience of General Hannum, Director of the Department of Natural Resources, and Colonel Kelton of our staff qualified them to supply adequate information to enable us to reach a decision without incurring heavy expense.

In an opinion of the Attorney General dated September 24, 1948, it is concluded that the island itself is owned in fee by the United States of America. It has been declared surplus real property to War Assets Administration by the War Department Corps of Engineers and, we were advised, could be acquired by the State of California, acting through this commission, for the sum of \$350,000.

Under the provision of Chapter 1422, Statutes of 1945, \$5,000,000 was appropriated for state parks, which would enable this commission to proceed with the acquisition if, in its opinion, it is desirable for inclusion in the State Park System.

Angel Island comprises approximately 640 acres. It is in San Francisco Bay, lying principally in Marin County, but a small portion is in the City and County of San Francisco. The summit, on clear days, commands inspiring views of the bay and

hills of San Francisco, Alameda, Contra Costa and Marin Counties. A road has been constructed around the island not a great distance above the water line. Virtually all the improvements and installations are between this road and the shore. The lands above the road are arid and rocky. The vegetation is not varied or interesting. Nature has not been able to do much by itself for lack of soil and water.

There are several small beaches on the island, but it must be recognized that they are wholly inadequate for bathing or even sunning on the sand. After a thorough investigation we must conclude that the beaches on Angel Island are not of sufficient size or so situated with reference to climate as to justify a belief that any considerable number of families would prefer them to the beaches of San Francisco, Marin, San Mateo and Santa Cruz Counties. We recognize that various trails could be developed. However, we cannot convince ourselves that these trails could afford specialized recreational activities or will be attractive to hikers. At present the state has mountain trails and public areas on Mount Tamalpais, Samuel P. Taylor and Mount Diablo State Parks, all reasonably near the populated Bay area.

Transportation can only be by a special ferry service or a high level suspension bridge from Tiburon. We have not attempted to secure figures from which a reliable estimate can be made of the cost of a bridge to Angel Island. We are convinced, however, that the recreational opportunities of the island do not justify such expenditure of public funds. We are also convinced that an equal sum expended in the development of an accessible area could be justified in the public interest. The island cannot be developed as a recreational area according to policies of the State so as to warrant the expense to sufficient visitors who must arrive by ferry.

The water supply of the island is inadequate. In the past water has been brought from San Francisco by barge. If an intensive use is to be made of the area a water main must be laid on the bottom of the bay. This can be done, but we are advised that the cost would be from \$369,000 to \$567,000, depending on whether the water comes from Treasure Island, San Francisco or Richmond.

It is our conclusion that the great cost of a submarine water supply or a capital investment of several millions of dollars in bridge construction could not be economically justified for the development of 640 acres of real estate for recreational purposes situated as is Angel Island.

There are many large and substantially constructed buildings. Some of these structures might be utilized if the area is developed as a state park. The remainder should either be destroyed, which would be pure economic waste, or should be put to some beneficial use, and such use would not be compatible with a recreational area or play ground.

Consideration has also been given to the use of a portion of the island as a small boat harbor, in addition to other recreational facilities, but again we are forced to the conclusion that the island is not so situated as to make it attractive to a sufficient number to warrant the initial expenditure estimated at a minimum of one million dollars.

We appreciate that many persons and organizations have advocated the inclusion of Angel Island into the State Park System. Pursuant to the resolution of the Legislature, we have made a thorough study of the suitability of the area for recreational purposes, bearing in mind that in the consideration of the expenditure of such a large sum of public funds, we must seek the greatest good for the greatest number.

Accordingly, we conclude that it is not desirable to acquire Angel Island for inclusion in the State Park System.

Seconded by Commissioner Scott and approved.

REQUEST FOR UNANIMOUS CONSENT

Senators Powers asked for, and was granted, unanimous consent to have the following resolution, relating to the State California Polytechnic College, printed in the Journal:

Resolution

Requesting the California State Legislature to memorialize the Congress of the United States to make it possible for the California State Polytechnic College to acquire for educational purposes the Pomona Remount Station

WHEREAS, The agricultural and industrial welfare of the State of California is materially assisted by a sound program of practical public education in fields leading to occupations in farming and industrial production; and

WHEREAS, The rapid increase in population in California, especially in the southern part of the State, demands increased facilities for conducting such a program in practical education; and

WHEREAS, The California State Polytechnic College has demonstrated its ability to conduct such a practical training program in these and other fields; and

WHEREAS, The present facilities of the California State Polytechnic College, especially at its Voorhis Unit located near San Dimas, are completely inadequate to meet the need and the demand for student enrollment; and

WHEREAS, The Pomona Remount Station (commonly known as the Kellogg Ranch) currently owned by the United States Government, is being discontinued and is located within a short distance of the Voorhis Unit of the California State Polytechnic College; and

WHEREAS, The acquisition of this property would provide many hundreds of young men, and perhaps young women, with an opportunity which they do not now have to secure practical training leading to employment; and

WHEREAS, The Committee for the Study of Higher Education, in its survey made at the request of the Legislature in 1947, recommended the expansion of the educational offerings and facilities of the Voorhis Unit of the California State Polytechnic College at San Dimas; and

WHEREAS, No other institution is as favorably situated as the California State Polytechnic College, either by location or type of education, to carry on the animal husbandry program, particularly the breeding of Arabian horses, as established by the founder of the Kellogg Ranch; or to carry on and develop the extensive plantings of trees and shrubs; or to utilize more completely for instructional purposes the land and the other available facilities that are a part of the Kellogg Ranch; now, therefore, be it

Resolved by the State Board of Education, That the Assembly and Senate of the State of California be respectfully requested to memorialize the Congress of the United States to make available the Pomona Remount Station to the California State Polytechnic College as an extension of and an addition to its Voorhis Unit at San Dimas, for the continuation of its practical education of young men and women in useful occupations, and for the continuation of the Arabian horse breeding program already established at the station.

ADJOURNMENT

At 11.40 a.m., on motion of Senator Powers, the President declared the Senate adjourned until 11 a.m., Thursday, January 6, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FOURTH LEGISLATIVE DAY

FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, January 6, 1949

The Senate met at 11 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Parkman, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Donald S. Gillespie and W. C. Shay of San Bernardino.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Albert A. Horn of Los Angeles.

On request of Senators Collier and Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. H. Garrett of Yreka.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. F. Rucker of Merced.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 5, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 4

Assembly Concurrent Resolution No. 8

Assembly Concurrent Resolution No. 9

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By RANDAL F. DICKEY, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 4—Approving certain amendments to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in said county on the second day of November, 1948.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 4, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 4

Assembly Concurrent Resolution No. 4—Approving certain amendments to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in said county on the second day of November, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

NOES—None.

Resolution ordered transmitted to the Assembly.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 8—Approving certain amendments to the charter of the City of Torrance, County of Los Angeles, State of California, voted for and ratified by the electors of said City of Torrance at a general municipal election held therein on the thirteenth day of April, 1948.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 8, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 8

Assembly Concurrent Resolution No. 8—Approving certain amendments to the charter of the City of Torrance, County of Los Angeles, State of California, voted for and ratified by the electors of said City of Torrance at a general municipal election held therein on the thirteenth day of April, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—38.

NOES—None.

Resolution ordered transmitted to the Assembly.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 9—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a consolidated primary and special municipal election held therein on the first day of June, 1948.

Request for Unanimous Consent

Senator O'Gara asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 9, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 9

Assembly Concurrent Resolution No. 9—Approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a consolidated primary and special municipal election held therein on the first day of June, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—38.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 3
Senate Concurrent Resolution No. 4

Senate Concurrent Resolution No. 5
Senate Concurrent Resolution No. 6

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **RANDAL F. DICKEY, JR.**, Assistant Clerk

Above resolutions ordered enrolled.

RESOLUTIONS

The following resolutions were offered:

By Senators Dilworth, Jespersen, Donnelly, Weybret, and Williams:

Senate Resolution No. 16

Relative to the continuance of the Senate Investigating Committee on Education

Resolved by the Senate of the State of California, As follows:

1. The Senate Investigating Committee on Education created by Senate Resolution No. 71 and continued as an interim committee by Senate Resolution No. 114, both of the 1947 Session, is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of seven thousand five hundred sixty-eight and $\frac{72}{100}$ dollars (\$7,568.72) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senators Mayo, McBride, Brown, Collier, and Cunningham:

Senate Resolution No. 17

Relative to the continuance of the Senate Committee on Interstate Cooperation

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Interstate Cooperation, created by Senate Resolution No. 110 of the 1947 Session, is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of _____ dollars (\$_____) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 7: By Senator Powers—Relative to Joint Rules of the Senate and Assembly committees and committee meetings.

Request for Unanimous Consent

Senator Powers asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 7, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 7

Senate Concurrent Resolution No. 7—Relative to Joint Rules of the Senate and Assembly committees and committee meetings.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Concurrent Resolution No. 8: By Senator Drobish—Relative to approving certain amendments to the charter of the County of Butte, State of California, voted for and ratified by the qualified electors of said county at a special election held on the first day of June, 1948.

Request for Unanimous Consent

Senator Drobish asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 8, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 8

Senate Concurrent Resolution No. 8—Relative to approving certain amendments to the charter of the County of Butte, State of California, voted for and ratified by the qualified electors of said county at a special election held on the first day of June, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Concurrent Resolution No. 9: By Senator Dorsey—Relative to approving a certain amendment to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at a special election held therein on the second day of November, 1948.

Request for Unanimous Consent

Senator Dorsey asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 9, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 9

Senate Concurrent Resolution No. 9—Relative to approving a certain amendment to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at a special election held therein on the second day of November, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

NOTES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 70: By Senator Abshire—An act to amend Sections 19626 and 19628 of the Business and Professions Code, Section 88 of the Agricultural Code, and Section 25903 of the Government Code, relating to the Fair and Exposition Fund and providing for the appropriation and expenditure of the second balance in said fund.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 71: By Senator Abshire—An act to amend Section 827 of the Agricultural Code, relating to apple standards, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

Senate Bill No. 72: By Senator Swing—An act to amend Section 21915 of the Business and Professions Code, relating to applications to the Board of Osteopathic Examiners of the State of California for physicians' and surgeons' certificates, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Business and Professions.

Senate Bill No. 73: By Senator Swing—An act to amend Sections 11040 and 11041 of the Government Code, relating to the employment of attorneys by state agencies.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 74: By Senator Swing—An act to amend Section 13108 of the Government Code relating to hire or lease of real or personal property of the State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 75: By Senator Rich—An act to add Section 381.1 to the Vehicle Code, relating to penalties for failure to renew licenses.

Referred to Committee on Transportation.

Senate Bill No. 76: By Senator O'Gara—An act to amend Section 6a to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Referred to Committee on Local Government.

Senate Bill No. 77: By Senator O'Gara—An act to amend Section 6 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Referred to Committee on Local Government.

Senate Bill No. 78: By Senator Salsman—An act authorizing the State Director of Finance to sell, exchange, or otherwise dispose of certain state property located in San Mateo County, and dispose of the proceeds thereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 79: By Senators Abshire, Weybret, McBride, Ward, Hulse, and Keating—An act to amend Section 27640 of the Government Code, relating to the appointment of county counsels in counties.

Referred to Committee on Local Government.

Senate Bill No. 80: By Senator Weybret—An act to amend Section 810 of the Agricultural Code, relating to artichoke standards.

Referred to Committee on Agriculture.

Senate Bill No. 81: By Senator Tenney—An act to amend Sections 1, 2, 3, 4, and 5 of an act entitled "An act establishing a four-year state institution of higher education in the City of Los Angeles, County of Los Angeles," approved July 2, 1947, relating to the establishment,

government and maintenance of a four-year state institution of higher education in the City of Los Angeles.

Referred to Committee on Education.

Senate Bill No. 82: By Senator Donnelly—An act authorizing the State Director of Finance to sell, exchange, or otherwise dispose of certain state property located in Stanislaus County.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 83: By Senators Hatfield and Mayo—An act to amend Section 9357.2 of the Government Code, relating to retirement of Members of the Legislature, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 84: By Senator Salsman—An act to add Section 37a to an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'water conservation act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, relating to inclusion of land.

Referred to Committee on Water Resources.

Senate Bill No. 85: By Senator Dorsey—An act to amend Section 980 of the Military and Veterans Code, relating to veterans' aid and welfare.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 86: By Senators Hatfield and Mayo—An act to amend Section 9355 of the Government Code, relating to retirement of Members of the Legislature.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 87: By Senators Hatfield and Mayo—An act to amend Section 9359.8 of, and to add Sections 9359.85, 9360.2, 9360.3, 9360.4, 9360.5, and 9360.6, to, the Government Code, relating to retirement of, and allowances to, members of the Legislators' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 88: By Senator Watson—An act to add Chapter 4 to Part 2, Division 8 of the Harbors and Navigation Code, relating to the power of a harbor improvement district to improve, develop or protect any harbor or harbors within the district.

Referred to Committee on Local Government.

Senate Bill No. 89: By Senator Rich—An act to amend Section 11 of the Conservation and Planning Act, relating to local planning commissions.

Referred to Committee on Local Government.

Senate Bill No. 90: By Senator Rich—An act to amend Section 3571 of the Education Code, relating to the formation of high school districts.

Referred to Committee on Education.

Senate Constitutional Amendment No. 3: By Senator Tenney—A resolution proposing to the people an amendment to the Constitution of the State by amending Section 8 of Article I, Sections 1, 1a, 4, 4b, 5, 11, 12, 14, 18, and 24 of Article VI, and repealing Sections 11a and 13 of Article VI, relating to courts of justice.

Referred to Committee on Judiciary.

RESOLUTIONS

The following resolutions were offered:

By Senators Mayo and Rich:

Senate Resolution No. 18

Relative to the continuance of the Senate Interim Committee on Postwar Construction

Resolved by the Senate of the State of California, As follows:

1. The Senate Interim Committee on Postwar Construction, created by Senate Resolution No. 115 of the 1947 Session, is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of -----dollars (\$-----) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senators Hatfield, Mayo, and Salsman:

Senate Resolution No. 19

Relative to the creation of the Senate Committee on Small Loans

WHEREAS, This session of the Legislature will be called upon to consider bills amending the Personal Property Brokers Act, the California Small Loan Act, as well as other proposals to regulate rates of interest and charges and other phases of lending transactions; and

WHEREAS, It is essential in the consideration of such measures that the Legislature be fully informed with respect to all phases of the problems involved and that all facts and other matters related thereto be brought to the attention of the Members of the Legislature; now, therefore, be it

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Small Loans is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the Personal Property

Brokers Act, the California Small Loan Act, rates of interest and other charges currently made with respect to any and all types of lending transactions, the need for legislation with respect to such transactions, and any and all matters connected with or incidental to the subject matter of this resolution, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and until March 15, 1949, with authority to file its final report not later than that date.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

Until the adoption of Joint Rules at this session the Joint Rules of the 1947 Regular Session are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

- (a) To select a chairman and a vice chairman from its membership.
- (b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.
- (c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.
- (d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.
- (e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

ADJOURNMENT

At 11.30 a.m., on motion of Senator Powers, the President declared the Senate adjourned until 10.30 a.m., Friday, January 7, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTH LEGISLATIVE DAY

FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, January 7, 1949

The Senate met at 10.30 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Desmond, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Salsman, Sutton, Swing, Ward, Watson, and Williams—26.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Tenney, on motion of Senator Powers, due to legislative business.

Senator Weybret, on motion of Senator Powers, due to legislative business.

Senator Rich, on motion of Senator Powers, due to legislative business.

Senator Parkman, on motion of Senator Powers, due to legislative business.

Senator O'Gara, on motion of Senator Powers, due to legislative business.

Senator Drobish, on motion of Senator Powers, due to legislative business.

Senator Regan, on motion of Senator Powers, due to legislative business.

Senator Cunningham, on motion of Senator Powers, due to legislative business.

Senator Hugh M. Burns, on motion of Senator Powers, due to legislative business.

Senator Mayo, on motion of Senator Powers, due to legislative business.

Senator Dillinger, on motion of Senator Jespersen, due to legislative business.

Senator Busch, on motion of Senator Powers, due to legislative business.

Senator McBride, on motion of Senator Powers, due to legislative business.

Senator Gibson, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry C. Butcher of Santa Barbara.

RECESS

At 10.33 a.m., on motion of Senator Powers, the Senate recessed to allow President Goodwin J. Knight to introduce to the Senate J. Rufus Klawans, Chairman of the National Legislative Committee, Veterans of Foreign Wars of the United States, who presented Hon. Lyall Beggs, National Commander in Chief of the Veterans of Foreign Wars of the United States. Commander Beggs addressed the Senate.

REASSEMBLED

At 10.45 a.m., the Senate reconvened.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

STATE LANDS COMMISSION, DIVISION OF STATE LANDS
DEPARTMENT OF FINANCE, STATE OF CALIFORNIA
SACRAMENTO 14, January 3, 1949

To the Senate of the State of California:

PURSUANT to the provisions of Section 6211 of the Public Resources Code (formerly Chapter 800, Statutes of 1917), may we respectfully report that, according to advices received, certificates of title under the Torrens law were issued by the following counties in accordance with the tabulation below:

Alameda	212	San Diego	10,034
Fresno	113	San Francisco	16
Humboldt	452	San Luis Obispo	1
Imperial	50	Santa Barbara	1,280
Kern	206	Santa Cruz	545
Los Angeles	179,949	Sierra	8
Merced	1	Sonoma	1,069
Orange	12,350	Tulare	121
Riverside	411	Ventura	6
San Bernardino	14,637		

It will be noted that there are but 19 counties included in the above tabulation. The remaining counties have heretofore reported that there are not now and have not been in the past any Torrens title registrations in their respective counties.

The books of the State Treasurer, as reflected by his report for the fiscal year ending June 30, 1948, show a cash balance of \$48.96 in the "Torrens Title Assurance Fund" and a net deficit of \$7,624.57.

Respectfully submitted,

STATE LANDS COMMISSION
DIVISION OF STATE LANDS
By A. P. IRELAND

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 7

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 7—Relative to approving amendments to the charter of the City of Watsonville, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fourteenth day of September, 1948.

Request for Unanimous Consent

Senator Judah asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 7, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 7

Assembly Concurrent Resolution No. 7—Relative to approving amendments to the charter of the City of Watsonville, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fourteenth day of September, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Collier, Coombs, Crittenden, Dilworth, Donnelly, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Salsman, Swing, Ward, Watson, Weybret, and Williams—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 130

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 130—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

Ordered placed on file.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 1—Relative to passing of the Honorable William R. Sharkey;

Senate Concurrent Resolution No. 2—Relative to approving amendments to the charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the sixth day of January, 1949, at 12 m.

POWERS, Chairman

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 10: By Senator Dilworth—Relative to approving an amendment to the charter of the City of Riverside, a municipal corporation in the County of Riverside, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the sixteenth day of November, 1948.

Request for Unanimous Consent

Senator Dilworth asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 10, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 10

Senate Concurrent Resolution No. 10—Relative to approving an amendment to the charter of the City of Riverside, a municipal corporation in the County of Riverside, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the sixteenth day of November, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Desmond, Dilworth, Donnelly, Dorsey, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Salsman, Sutton, Swing, Ward, Watson, and Williams—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 11: By Senator Johnson—Relative to approving amendments to the charter of the City of Roseville, a municipal corporation in the County of Placer, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the thirteenth day of April, 1948.

Request for Unanimous Consent

Senator Johnson asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 11, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 11

Senate Concurrent Resolution No. 11—Relative to approving amendments to the charter of the City of Roseville, a municipal corporation in the County of Placer, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the thirteenth day of April, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Desmond, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Miller, Powers, Salsman, Sutton, Swing, Ward, and Watson—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Collier asked for, and was granted, unanimous consent to have the following address made by Senator McBride in presenting a special badge to Joseph F. Nolan, Sergeant-at-Arms of the Senate, printed in the Journal.

ADDRESS BY SENATOR JAMES J. McBRIDE

Members and Guests:

We will pause for a moment from our legislative duties to comment on the redecoration of the Senate Chambers. The new look reflects the "theme of the day," and is in keeping with the California Centennial Celebration as next year, 1950, California will be a State just 100 years old. So, we are all ready for that Centennial event.

While on the topic of Redecoration, we have at this time a matter of "Personal Redecoration" to perform. This honor and decoration is in recognition of one, now among us in a Senate official capacity. In the point of service he exceeds any of the present Members of the Senate—with the exception of the Honorable Ralph F. Swing. He greeted each of us when we first entered our duties as Senators here in this Senate Chamber.

He was drafted for the special duty in the year of 1923, at a time when the dignity of this august body was about to completely collapse. He is now entering his twenty-sixth year of service, and that's over a quarter century.

You know by now of whom I speak—yes, none other than Joseph F. Nolan—our genial Sergeant-at-Arms. Again, dwelling on Redecoration, Joe's old badge has become battered and lost its original luster and, all in all, is out of date. It is being replaced by one with the new look and is especially appropriate at this time, as with the Great Seal of California thereon, it is more in keeping with the California Centennial theme.

Now, I have more to say about Joe Nolan. If you do not already know, I know this bit of history and information will be of interest to the new Senators: It is the duty of the Sergeant-at-Arms of the Senate to bring in the absent members—on a "Call of the Senate." This means the then absent members must be located and brought in from wherever they may be. Joe has always got his man. History records that on several occasions Joe has rescued members from the second floor ledge of the Capitol Building—and that is some distance from the flower garden below.

Now that's not all regarding this Personal Redecoration Proceedings: The new badge, which will soon be presented to our old friend Joe Nolan, is of the six-point design. The star points have the new ball point protectors. Generally speaking, these ball points were just intended to protect the wearer's garment, but with this particular badge these ball points are symbolic of gold nuggets, one from each of the six principal counties in the Mother Lode district, namely El Dorado, Placer, Nevada, (County Mayo-Calaveras), Amador and Stanislaus Counties. These gold nuggets were selected by the Senators in the respective districts named.

And that is not all: The badge is more than a piece of metal, even if it is of gold. It is a means of expression of the Senators, state officials and friends of Joe Nolan, of their high esteem, sincere regard and token of their good wishes and congratulations. It also represents their recognition of the efficient manner in which he has conducted his department all these years and thus preserved the dignity and decorum of the Senate.

Now, that's not all: Yes, there's more. We also present to Joe Nolan for the use of his assistants—a new look badge—with the Great Seal of the State of California thereon.

Yes, we have more to say, and I know that I need not ask your further attention—I know I have it. To Mrs. Nolan, who since 1923 has been a regular visitor at the Capitol during the legislative sessions, we say, with flowers, "Hope you can join us again soon." Mrs. Nolan's illness at this time prevents her from being with us at this session.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 12: By Senator Kraft—Relative to approving certain amendments to the charter of the County of San Diego, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on the second day of November, 1948.

Request for Unanimous Consent

Senator Kraft asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 12, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 12

Senate Concurrent Resolution No. 12—Relative to approving certain amendments to the charter of the County of San Diego, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on the second day of November, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Desmond, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Keating, Kraft, Miller, Powers, Salsman, Sutton, Swing, Watson, and Williams—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

COMMUNICATIONS

The following resolution was received and read, and, on request of President Goodwin J. Knight, printed in the Journal:

RESOLUTION

WHEREAS, State Department of California, American Legion, at previous sessions endorsed the 24-hour schools known as "California Academies," under which the California Legislature established three such schools for dependent, homeless children, two for boys and one for girls; and

WHEREAS, The department is extremely interested in youth welfare problems; and were, in conjunction with others, instrumental in having the Legislature of 1947 pass the law known as "California Academies Act," under which said schools were established for such dependent and homeless children, and it is now necessary to obtain funds through appropriation for the building of the schools and operation of the same, as provided in said act; now, therefore, be it

Resolved, By this department, meeting assembled at San Francisco this day, that we again approve the establishment and maintenance of the said California Academies, and urge the Governor of the State of California to provide in his budget to be submitted to the 1949 Session of the California Legislature, and the members thereof in said session, adequate appropriation to secure the construction of the school buildings and the early operation of said schools, and that the legislative representative of the department be instructed to assist, in every way possible, the authors of the California Academies Act, and those interested, by appearing before the Appropriations Committee of the Legislature having to do with appropriations, and in urging the favorable action of the committee and the Members of the Legislature; be it further

Resolved, That copies of this resolution be forwarded to the Honorable Earl Warren, Governor of the State of California; Hon. Goodwin J. Knight, Lieutenant Governor and President of the Senate, the President pro Tempore of the State Senate and Speaker of the State Assembly, with the request that the same be printed in the respective Journals on the opening day thereof, and that copies be given to the press for publication, this to certify that the foregoing resolution was adopted by unanimous vote of the department at its meeting held in San Francisco, September, 1948.

(Signed)

Rex F. WHITTEMORE
Department Commander
DONALD L. CLARKE
Department Adjutant

(SEAL)

Original authenticated copy of the above resolution is in the possession of the Senate Interim Committee on State Training Schools for Boys and for Girls.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 91: By Senator Hatfield—An act to amend Section 6125 of the Business and Professions Code, relating to the practice of law.

Referred to Committee on Judiciary.

Senate Bill No. 92: By Senator Dilworth—An act to amend Section 25601 of the Government Code, relating to wild flowers.

Referred to Committee on Agriculture.

Senate Bill No. 93: By Senator Dilworth—An act to add Section 273 to the Penal Code, relating to participation of minors in equestrian events.

Referred to Committee on Judiciary.

Senate Bill No. 94: By Senator Michael J. Burns—An act to add Section 66s to the Code of Civil Procedure, and to repeal an act entitled "An act to reduce the number of judges of the superior court in and for the County of Humboldt and to repeal an act entitled 'An act to provide for the appointment and election of one additional judge for the County of Humboldt,' approved March 8, 1895." approved June 10, 1933, relating to the number of superior court judges and providing for the appointment of an additional superior court judge in and for the County of Humboldt.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 95: By Senator Watson—An act to repeal Article 4 of Chapter 1 of Division 20, consisting of Sections 24150 and 24151, of the Health and Safety Code, and to add Sections 267 and 268 to the Harbors and Navigation Code, relating to regulation of power boats and motor boat races.

Referred to Committee on Public Health and Safety.

Senate Bill No. 96: By Senators Miller and O'Gara—An act to add Section 1513.5 to the Elections Code, relating to the order of measures on ballots.

Referred to Committee on Elections.

Senate Bill No. 97: By Senator Salsman—An act to add Section 1515.5 to the Elections Code, relating to the order of measures on ballots.

Referred to Committee on Elections.

Senate Bill No. 98: By Senator Breed—An act to amend Sections 5404 and 5406 of the Welfare and Institutions Code, relating to the support and parole of persons committed to industrial farms, industrial road camps or branches of county jails for addiction to the intemperate use of stimulants, dipsomania or inebriety.

Referred to Committee on Social Welfare.

Senate Bill No. 99: By Senator Keating—An act to add Article 5 to Chapter 2, Title 1, Part 3 of Division 1 of the Civil Code, relating to the recognition of a divorce obtained in another jurisdiction.

Referred to Committee on Judiciary.

RESOLUTIONS

The following resolution was offered:

By Senator Kraft:

Senate Resolution No. 20

Relative to the continuance of the Senate Committee on Employment Stabilization

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Employment Stabilization created by Senate Resolution No. 104 of the 1947 Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after March 15, 1949, and to file a final report on that date.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

ADJOURNMENT

At 11.08 a.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m. Monday, January 10, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTH LEGISLATIVE DAY

EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, January 10, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Jespersen, on motion of Senator Powers, due to legislative business.

Senator Busch, on motion of Senator Powers, due to legislative business.

Senator Sutton, on motion of Senator Powers, due to legislative business.

Senator Rich, on motion of Senator Powers, due to legislative business.

Senator Miller, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harold N. Corbin of Porterville.

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Honorable Frank L. Gordon of Gordon Valley.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elmer P. Hutter of Sacramento.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Vincent T. Cooper of Sonoma County, Edna H. Behrens and Mrs. Adelia Keegan of Santa Rosa, and Louis A. Frei of Santa Rosa.

On request of Senator Tenney and Lieutenant Governor Knight, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Torrey Webb of Los Angeles and A. T. Jenkins of Long Beach and the following members of the Joint Meeting C M A, Legislative and Taxation Committees: O. W. Carlson, L. F. Cummings, P. H. Cozier, A. O. Drayge, E. M. Dundas, G. A. Field, J. F. Garvin, G. Milo Graham, J. E. Phillips, Neal Rasmussen, W. B. Tyler, A. K. Beckley, R. J. Mullenback, Barton N. Arnds, B. A. Bannan, L. H. Chaille, N. W. Hazelberg, R. B. Laird, J. H. Pengilly, P. C. Raykoff, Chas. Weeks, C. W. Hartford, T. B. Gibson, Chas. Petrol, Mr. Wilkins, Chas. W. Lyon, Frank Thill, A. L. Holven, Harry S. Schenk, and John A. Knauff.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to S. Tex Rose of Los Angeles.

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to have the following opinion of the Legislative Counsel regarding Conformity of California Provisions for Old Age Security, Blind Security, and Aid to Needy Children with the Federal Social Security Act in Respect to the Requirement of Administration of State Plans by "Single State Agency," printed in the Journal.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, January 5, 1949

Hon. George J. Hatfield
Senate Chambers

Conformity of California Provisions for Old Age Security, Blind Security, and Aid to Needy Children with the Federal Social Security Act in Respect to the Requirement of Administration of State Plans by "Single State Agency" No. 2206

DEAR SENATOR HATFIELD: You have asked us whether the division of authority in the State Department of Social Welfare between the Director (in respect to Old Age Security and Blind Security) and the State Social Welfare Board heretofore established by Section 101 of the Welfare and Institutions Code (in respect to Aid to Needy Children) produces such nonconformity with the requirements of the Federal Social Security Act in respect to the administration of the state plans by

a single state agency as to imperil the receipt by this State of all or any of the several types of federal assistance involved.

In our opinion no division of authority results from the adoption of Article XXV of the State Constitution which would in any way render this State out of conformity with those provisions of the Federal Social Security Act which require each such state plan to be administered by a single state agency.

As to each state plan for old age assistance, assistance to the needy blind, and assistance to dependent children, respectively, the Federal Social Security Act requires that that plan shall either provide for the establishment or designation of a single state agency to administer the plan, or provide for the establishment or designation of a single state agency to supervise the administration of the plan (U. S. Code Title 42, Secs. 302(a)(3), 1202(a)(3), and 602(a)(3)). Thus there is no federal requirement that all three plans be administered by the same single state agency, but merely that each state plan shall be administered, or the administration of the plan shall be supervised, by a single state agency.

Section 103.5 of the Welfare and Institutions Code declares that provision for public aid to the needy aged and aid to dependent children is a matter of state-wide concern, and designates "the department" (which unmistakably refers to the Department of Social Welfare) as the single state agency with full power to supervise every phase of the administration of the public assistance plans for which grants-in-aid are received from the United States Government in order to secure full compliance with the provisions of Titles 1 and 4 of the Federal Social Security Act. (Title 1 of that act relates to grants to states for old age assistance, and Title 4 relates to grants to states for aid to dependent children.)

Section 103.6 declares that provision for public aid to the needy blind is a matter of state-wide concern and designates "the department" (which likewise unmistakably refers to the Department of Social Welfare) as the single state agency with full power to supervise every phase of the administration of this public assistance plan for which grants-in-aid are received from the United States Government in order to secure full compliance with the provisions of Title 10 of the Federal Social Security Act. (Title 10 relates to grants to states for aid to the blind.)

Section 101 of the Welfare and Institutions Code declares in its first paragraph that "the Department of Social Welfare shall consist of the Social Welfare Board, the Director of the Department of Social Welfare, and such divisions as are or may be necessary for proper administration." As to the administration of old age security and blind security, it would appear that under Article XXV of the Constitution those programs are now fully within the jurisdiction of the Director of the Department of Social Welfare, and that the rule-making power of the State Social Welfare Board in respect to those programs has been transferred to the director. The Attorney General so held in his opinion No. 48/263, indicating his opinion that further functioning of the Social Welfare Board in relation to the programs of aged and blind security was inconsistent with the powers of the director under Section 4 of Article XXV and the general purpose and intent of that article. We concur in this conclusion.

As to the state program for aid to needy children, the functions of the State Director of Social Welfare and of the Social Welfare Board

are unchanged by Article XXV. Nothing in that article appears to us to affect in any way the program for aid to needy children. On the contrary, Section 4 of Article XXV expressly provides (third paragraph) that "the Director of the Department of Social Welfare shall administer all of the functions now imposed upon him by law and such other duties as the Legislature may from time to time provide."

Section 103 of the Welfare and Institutions Code now provides that the Social Welfare Board shall advise the Director in the performance of his duties and formulate general policies affecting the purposes, responsibilities, and jurisdiction under the chapter of the Welfare and Institutions Code relating to the State Department of Social Welfare. It also provides that the board shall have the power and duty to adopt, promulgate, repeal and amend rules and regulations consistent with law for the administration of welfare, and, except as otherwise provided by law, the board shall establish minimum standards of public assistance, not in conflict with law, for all relief purposes for which state grants-in-aid are made to counties. As to the administration of the state plan for aid to needy children, these functions of the board appear to be unaffected by Article XXV.

Section 105.5 of the Welfare and Institutions Code declares that the director is the executive officer of the department and that "he shall administer the laws and regulations of the board pertaining to the administration of social welfare" etc. It would therefore appear that as to the State Program for Aid to Needy Children, the relative authority of the Director of Social Welfare and the Social Welfare Board are the same as they were prior to the adoption of Article XXV.

We have examined Chapter 1 of Part 2 of Division 2 of the Welfare and Institutions Code, which chapter relates to aid to needy children, and find that the only express mention of the Social Welfare Board therein is in Sections 1511 and 1551.

The last paragraph of Section 1511 provides that minimum standards of adequate care shall be determined by the rules and regulations of the State Board of Social Welfare, approved by the State Department of Social Welfare. Section 1551 provides that if aid is denied, modified, canceled or not granted within a reasonable time, the applicant or recipient shall have the right of appeal upon filing a petition with the State Department of Social Welfare and shall be accorded an opportunity for a fair hearing. The Director of the State Department of Social Welfare shall set the appeal for hearing before the State Social Welfare Board and shall give all parties concerned reasonable notice of the time and place of the hearing. The State Social Welfare Board shall consider the appeal and shall dismiss the appeal or award aid as prescribed in this chapter. The county shall then pay for the needy children the sum, if any, awarded by the State Social Welfare Board, the payments, if awarded, to commence at the time the State Social Welfare Board directs. The decision of the board shall be binding upon the county.

There would seem, therefore, to be no greater division of authority in respect to aid to needy children between the director and the Social Welfare Board than there was before the adoption of Article XXV. It is true that until the adoption of Article XXV both the members of the Social Welfare Board and the director were appointed by the Governor (Welfare and Institutions Code Secs. 101, 105) and that the

office of director is now an elective office, but this change in the method of selection of the director does not in and of itself create any separation or division of authority.

It would appear, therefore, that the State Department of Social Welfare continues to be designated as the "single state agency" to administer or supervise the administration of each of the state plans for old age assistance, assistance to the needy blind, and assistance to needy children, and that in respect to the administration of each plan there is now no greater separation or division of authority between the director and the Social Welfare Board than existed before the adoption of Article XXV, during which period each such state plan has had the approval of the Federal Security Administrator.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By (Mrs.) HARRIET R. BUHLER, Deputy

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 4

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following Resolution was read:

Assembly Joint Resolution No. 4—Relative to shipbuilding on Pacific Coast.

Request for Unanimous Consent

Senator O'Gara asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 4, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 4

Assembly Joint Resolution No. 4—Relative to shipbuilding on Pacific Coast.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Powers, Salsman, Swing, Tenney, Watson, Weybret, and Williams—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 10, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Resolution No. 14

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, January 10, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 3—Relative to approving amendments to the charter of the City of Eureka, a municipal corporation in the County of Humboldt, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948;

Senate Concurrent Resolution No. 4—Relative to the appointment of the State Controller as accounting officer for the Legislature for tax and other purposes;

Senate Concurrent Resolution No. 5—Approving certain amendments to the charter of the City of Santa Rosa, a municipal corporation of the County of Sonoma, State of California, voted for and ratified by the qualified electors of said city at a regular general municipal election held therein on the sixth day of April, 1948;

Senate Concurrent Resolution No. 6—Relative to approving a certain amendment to the charter of the County of San Mateo, State of California;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the tenth day of January, 1949, at 10 a.m.

POWERS, Chairman

MOTION TO APPROVE JOURNALS

Senator Powers moved that the Journals for Monday, January 3, 1949; Tuesday, January 4, 1949; Wednesday, January 5, 1949; Thursday, January 6, 1949; Friday, January 7, 1949 be approved as corrected by the Minute Clerk and the Journal Clerk.

Motion carried.

MOTION TO PRINT OPINION OF LEGISLATIVE COUNSEL

Senator Mayo moved that the following opinion of the Legislative Counsel regarding Local Hospital Districts, be printed in the Journal.

Motion carried.

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, January 9, 1949

Hon. Jesse M. Mayo

Senate Chamber

Local Hospital Districts—No. 2172

DEAR SENATOR MAYO: You have asked us if the term "political subdivision" as used in the last sentence of Section 8 of Article XXV of the State Constitution (added November 2, 1948) includes a local hospital district.

Article XXV relates to old age security and security for the blind. The sentence in question reads:

"No political subdivision shall discriminate against an applicant or recipient of security or charge said person for hospitalization or health services."

While the term "political subdivision" is not subject to exact definition, in our opinion a local hospital district is not a political subdivision within the meaning of the provision quoted.

A county is quite definitely a political subdivision (*County of Los Angeles v. Riley* (1936), 6 Cal. (2d) 625). Section 1 of Article XI of the Constitution provides that "The several counties, as they now exist, are hereby recognized as legal subdivisions of the State."

A city is not necessarily a political subdivision but an incorporation of the inhabitants of a specified region for the purposes of local government (*Otis v. City of Los Angeles* (1942), 52 Cal. App. (2d) 605, holding that a city is subject to an action for a declaratory judgment although the State and its political subdivisions are not). However, it has been said that the creation of a municipal corporation has both aspects—the formation of a political subdivision and the association of the members of the community for the administration of their local business and affairs (*In re Orosi Public Utility District* (1925), 196 Cal. 43, at p. 57).

A district differs from both a municipal corporation and a county. The latter are governmental units which under Section 11 of Article XI of the Constitution are vested with the general police power which they may exercise so long as there is no conflict with general law.

Districts are not political subdivisions but are, rather, governmental mandatories or agents vested with limited powers to accomplish limited and specific work, *Bettencourt v. Industrial Accident Commission* (1917), 175 Cal. 559, at 561, holding that a reclamation district was not a political corporation.

Irrigation districts have been held not to be political subdivisions (*Wood v. Imperial Irrigation District* (1932), 216 Cal. 748, at 753. *Huck v. Rathjen* (1924), 66 Cal. App. 84).

A sanitation district has been held not to be a political subdivision (*Sanitation District No. 1 v. Payne* (1925), 197 Cal. 448).

School districts have been held to be in a class of entity different from counties or cities in that school districts have no general governmental powers (*Ward v. San Diego School District* (1928), 203 Cal. 712, *Gould v. Richmond School District* (1943), 58 Cal. App. (2d) 497).

A local hospital district is similar to irrigation, reclamation, and school districts. It has no general governmental powers but only the specific powers conferred by the statute creating it.

Furthermore, a local hospital district has no general duty to care for the indigent sick or dependent poor within its territory such as is imposed upon a county (Sec. 200, Welfare and Institutions Code).

We believe, therefore, that the provision of Section 8 of Article XXV of the Constitution under discussion does not apply to a local hospital district.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 1: By Senator Donnelly—Relative to memorializing the President and the Congress of the United States in relation to the establishment of a support price for black-eyed beans.

Request for Unanimous Consent

Senator Donnelly asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 1, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 1

Senate Joint Resolution No. 1—Relative to memorializing the President and the Congress of the United States in relation to the establishment of a support price for black-eyed beans.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Watson, Weybret, and Williams—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 100: By Senator Hatfield—An act to amend Section 12410 of the Government Code, relating to the duties of the Controller, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 101: By Senator O'Gara—An act authorizing the conveyance of certain property belonging to the State of California at San Francisco State College in the City and County of San Francisco, State of California, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 102: By Senator Mayo—An act to amend Sections 737e, 737eee, and 737v of the Political Code, relating to salaries of superior court judges in the Counties of Calaveras, Tuolumne and Mariposa.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 103: By Senator Mayo—An act to amend Section 11 of the Fish and Game Code, relating to the compensation of the members of the Fish and Game Commission.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 104: By Senator Williams—An act to add Section 1017 to the Education Code, relating to the employment of guards by school districts to escort pupils across state and county highways.

Referred to Committee on Education.

Senate Bill No. 105: By Senator Regan—An act to amend Section 32355 of the Government Code, relating to benefits in county fire service retirement systems.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 106: By Senator Regan—An act to amend Sections 4452, 4453, and 4455 and to repeal Section 4656 of the Labor Code, dealing with workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 107: By Senator Regan—An act to amend Section 4661 of the Labor Code, dealing with workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 108: By Senator Regan—An act to limit the hours of employment of firemen employed by any county, city and county, city, town, district, township, or other political subdivision of the State of California.

Referred to Committee on Local Government.

Senate Bill No. 109: By Senator Regan—An act to amend Section 7 of the Alcoholic Beverage Control Act, relating to transfer of licenses.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 110: By Senator Regan—An act to add Section 7.1 to the Alcoholic Beverage Control Act, relating to transfer of licenses.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 111: By Senator Regan—An act to amend Sections 10000 and 10001 of the Water Code, relating to reinstatement of the project known as the "Trinity River Diversion" as a part of the State Water Plan.

Referred to Committee on Water Resources.

Senate Bill No. 112: By Senator Regan—An act to amend Section 1506 of the Penal Code, relating to appeals in habeas corpus cases.

Referred to Committee on Judiciary.

Senate Bill No. 113: By Senator Regan—An act to amend Section 4532 of the Penal Code, relating to punishment and escape from a county or city jail, prison, industrial farm, or road camp.

Referred to Committee on Judiciary.

Senate Bill No. 114: By Senator Watson—An act to amend Section 4764 of the Health and Safety Code, relating to the borrowing of money by county sanitation districts.

Referred to Committee on Local Government.

Senate Bill No. 115: By Senator Regan—An act to amend Section 672 of the Penal Code, relating to fines.

Referred to Committee on Judiciary.

Senate Bill No. 116: By Senator Parkman—An act to provide for leasing additional facilities and service for the extension, maintenance, and operation of the teletypewriter system of communication by the State Department of Justice, and to make an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 117: By Senator Parkman—An act to add Chapter 5.6, comprising Sections 2600 to 2636, inclusive, to Division 2 of the Business and Professions Code, and to amend Section 11501 of the Government Code, relating to the practice of physical therapy, schools of physical therapy and massage, and the registration of physical therapists and masseurs, creating the Board of Physical Therapy Examiners, and declaring the powers and duties of such board and prescribing penalties for violations hereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 118: By Senator Tenney—An act to amend Section 10a of the Municipal Court Act of 1925, relating to clerks and attaches of the municipal courts.

Referred to Committee on Local Government.

Senate Bill No. 119: By Senator Tenney—An act to amend Section 10 of the Municipal Court Act of 1925, relating to the constitution of said court and the judges, clerks, marshals and attaches thereof.

Referred to Committee on Local Government.

Senate Bill No. 120: By Senator Tenney—An act to amend Section 822 of the Penal Code, relating to bail.

Referred to Committee on Judiciary.

Senate Bill No. 121: By Senator Tenney—An act to add Section 10c to the Municipal Court Act of 1925, relating to authority of municipal court clerk and his deputies in cities or cities and counties of the second and one-half class to fix bail.

Referred to Committee on Local Government.

Senate Bill No. 122: By Senator Tenney—An act to amend Section 10b of the Municipal Court Act of 1925, relating to marshals and attaches of the municipal court.

Referred to Committee on Local Government.

Senate Bill No. 123: By Senator Mayo—An act to add Section 4.5 to an act entitled, "An act to provide additional public recreation facilities, authorizing the making of a supplemental survey to determine what lands are suitable for inclusion in the State System of Parks and Beaches pursuant to this act, and making an appropriation for the acquisition of public recreation facilities," approved July 17, 1945, relating to acquisition of land for parks.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 124: By Senator Dilworth—An act to extend the time for the payment of taxes on citrus producing lands.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 125: By Senators Keating, Collier, McBride, Kraft, Regan, Cunningham, Judah, Dilworth, Desmond, Gibson, Hugh M. Burns, and O'Gara—An act to add Chapter 10, consisting of Sections 4500 to 4628, inclusive, to Division 2 of the Business and Professions Code, to amend Section 101 of the Business and Professions Code and Section 11501 of the Government Code, relating to the care of the sick

or afflicted by short course nurses, to schools for instructing or training short course nurses, to students in schools for instructing or training such nurses, the administration thereof, and making an appropriation.

Referred to Committee on Business and Professions.

Senate Joint Resolution No. 2: By Senator Donnelly—Relative to Big Oak Flat Road.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 13: By Senators Tenney, Cunningham, Williams, Abshire, Parkman, Dilworth, Kraft, Coombs, Judah, Johnson, Hugh M. Burns, Watson, Breed, Donnelly, Weybret, McBride, Desmond, Brown, Michael J. Burns, Crittenden, Regan, Keating, and Gibson—Relative to Communistic infiltration.

Referred to Committee on Governmental Efficiency.

RESOLUTIONS

The following resolution was offered:

By Senator Hugh M. Burns:

Senate Resolution No. 21

Relative to the continuance of the Senate Committee on Professional and Vocational Standards and Procedure

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Professional and Vocational Standards and Procedure created by Senate Resolution No. 89 of the 1947 session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, and to file its final report not later than the final legislative day.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of _____ dollars (\$ _____) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 130—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Powers:

Resolved, That Assembly Bill No. 130 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section

requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Watson, Weybret, and Williams—33.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 130

Assembly Bill No. 130—An act making an appropriation for the contingent expenses of the Assembly, including expenses of committees, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

ADJOURNMENT

At 2.15 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 11 a.m., Tuesday, January 11, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTH LEGISLATIVE DAY

NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, January 11, 1949

The Senate met at 11 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Dorsey, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge James McDonnell of Sacramento.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Claus S. Hulén of Gridley.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. R. Muse of Oakland, Frank Adams of Piedmont, John T. Regan of San Francisco, and Walter Bailey, Raymond D. Williamson, and Guy Foulks.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Herbert Clish, Irving Bueyer, and Harold Berliner of San Francisco.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Beatrice B. Bonis, teacher, and the following students of the Arden School: Nancy Joan Eakins, Bonnie Jean Stradan, Carol Jane Coats, Ann Lindsay, Joyce Karish, Dawn Bloom, Beverly Argente, Lois Griffin, Mae Shimizer, Nancy Nordline, Marie Payton, Marian June Baker, Helen O'Donnell, Janis Rider, Donna South, Beverly Born, Vivian Ford, Betty Jean Tull, Ina Mae McMahon, Joan Nelson, Gordon Kloss, Douglas Shearer, Dale Northcutt, Steven Hodge, Clark MacCrene, Gary Herbold, Alan Heath, Eugene Otten, Alby Raymond, Jack Huckabay, Ray Baker, Richard Farrell, John Brink, Jack Biggs, Jerry Pilz, Robert Skemp, Robert Hataway, Robert Reinschild, and Joseph Myhren.

LETTER OF TRANSMITTAL

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS

SACRAMENTO, January 5, 1949

*Hon. Joseph A. Beck, Secretary of the Senate,
State Capitol, Sacramento, California*

DEAR SIR:

Re: S. R. 21, 1948 Regular Session

By Senate Resolution No. 21, adopted March 8, 1948, the Senate requested the Division of Highways, Department of Public Works, to make a preliminary survey on the most direct and practical location between the cities of Sacramento and Marysville and Yuba City, and to report its findings and recommendations as to the advisability of including any such route in the State Highway System, and of excluding from the State Highway System any route or portion thereof which might be superseded by such proposed route.

There are transmitted herewith six copies of a report of the Division of Highways to the Legislature of the State of California on a Proposed Direct and Practical Route between Sacramento and Marysville and Yuba City.

Yours very truly,

C. H. PURCELL, Director of Public Works

(18-105-113)

Letter of transmittal ordered printed in the Journal and the report filed with the Secretary of the Senate.

REQUEST FOR UNANIMOUS CONSENT

Senator Dillinger asked for, and was granted, unanimous consent to have the following letter of transmittal and the report regarding "Pathways Toward Industrial Peace", printed in the Journal and, 200 additional copies of the report printed separately.

Letter of Transmittal to the State Senate

SENATE, CALIFORNIA LEGISLATURE

January 6, 1949

At the last session a small sum was allowed to members requiring it, for additional secretarial and similar assistance.

I did not require additional secretarial assistance but did want some research done on the subject of resolution of labor disputes, in which subject I had long been interested, so engaged Mr. Kenneth H. Smith to do some such research.

He has done a lot of good work and has completed a report which I transmit herewith and request consent to have printed in the Senate Journal. Also, I wish to request that 200 extra copies be printed, since I think it likely that a good many people may want to read this very interesting report on this very important subject.

I plan to introduce a bill on the subject, also, and would appreciate any suggestions that anyone may care to make. In particular, the general public is the "little man who wasn't there" in such cases. They suffer more than anyone and pay most of the bill, directly or indirectly; yet in many, if not most cases, they cannot even learn what the issues really are. One may read pages and pages, and the more one reads, the more confused one becomes. Often the issues that finally separate the parties are very minor, but each side finds itself in a position from which it cannot recede without loss of face and prestige. At least they think so. If there was an impartial board to hear the issues and publish their findings and recommendations, probably both sides secretly would be delighted to end a costly impasse without loss of face and be "taken off the hook", though they might bluster for appearances.

Respectfully submitted,

H. E. DILLINGER

PATHWAYS TOWARD INDUSTRIAL PEACE

A Survey of Legislative Methods for Promoting Voluntary Settlement of Industrial Disputes

Prepared for

STATE SENATOR H. E. DILLINGER

by Kenneth H. Smith

December, 1948

INTRODUCTION

The development of an industrial society has brought manifold benefits, but it has not been without attendant burdens. Foremost of these are industrial disputes between employer and employees. Labor conflicts not only affect the participants immediately concerned but also have far-reaching consequences on the general public. Important, then is the need for effecting industrial peace.¹

Industrial peace depends primarily upon sound collective bargaining practice.² Collective bargaining is not everywhere well established or well done, however, and, in cases where parties cannot reach agreement through direct negotiations, modern governments have accepted the responsibility of attempting to conciliate the differences. Government intervention in industrial disputes is a measure of last resort to be utilized only after direct negotiation has failed.

The function of government in labor controversies should be to promote agreement rather than to force settlement. Mr. Edwin E. Witte, a well-known expert on the role of government in modern labor relations, emphasizes:

Even when intervention by government becomes necessary, its efforts should be directed toward helping the parties find a basis for agreement rather than telling them what they must do.³

Mr. Sumner H. Slichter, a nationally noted labor economist and authority on union management relations, feels that there is particular danger of government overstepping its bounds under the stresses of present labor unrest.

At present, public resentment towards the rising tide of strikes creates the danger that the government will be over-solicitous in seeking to prevent interruptions to production. This kind of mediation will retard the growth of successful collective bargaining by overdoing the saving of face and hindering the development of responsible leadership on both sides.⁴

In the imperfect world in which we live one must not expect every dispute to be settled without an interruption of production. Disputes occur that will not yield to even the most skillful mediation. Mr. Kurt Braun in his book, "The Settlement of Industrial Disputes," points out:

Diversities and conflicts of interest between management and labor are unavoidable in any system of free enterprise * * * Conciliation and arbitration are only two of a considerable number of means suitable to diminish open combat between management and labor. But no means exist to make labor-management warfare completely impossible, unless forced labor is introduced. Experiences in various countries have shown that employees in the long run cannot be forced to do useful work—least of all by locking them up in jail.⁵

Some disputes that defy settlement by the normal mediation and conciliation processes are of vital concern to the general public. An increasing amount of attention is therefore being directed toward the problem of dealing with such cases. The problem is a difficult one. Government dictation can only serve to weaken the collective bargaining process and break down the nation's free institutions generally. On the other hand, government is responsible for protecting the general public welfare and labor disputes at times may affect that welfare adversely.

Methods for the settlement of labor disputes that are consistent with the principles of free government have been developed to give more adequate protection to the general public interest. None of these methods or techniques are fool proof panaceas. They have proven successful under some circumstances and unsuccessful in others. In the last analysis, the effectiveness of any mediation agency depends primarily upon the confidence that that agency enjoys among union and management representatives. Legal provisions cannot take the place of confidence in the fairness and integrity of the mediation agency, they can only provide the tools with which that agency may operate.

I. INVESTIGATION AND REPORT

It is well recognized that public opinion may exercise a strong influence on parties to a labor dispute, especially in cases where a large segment of the public is directly affected. Government agencies and legislatures have made use of this fact as a means of promoting peaceful settlement of disputes that affect the general public interest.

Investigation and report, or fact-finding, involves the investigation of the issue of a dispute by an impartial agency. The agency has the power to determine the facts of the case and usually to make recommendations for a solution. Such findings and recommendations are made public and it is then expected that an informed public opinion would

tend to induce acceptance of the board's recommendations. There is no legal compulsion on the parties to a dispute to accept such recommendations.

Investigation is a method of last resort to be utilized sparingly and only after more direct methods have failed to bring about a settlement. In cases where mediation fails and where the disputant parties refuse to accept arbitration and where the consequences of a stoppage to the community would be immediate and far reaching, the government would invoke the fact-finding or investigation process. Mr. Sumner H. Slichter cautions that the investigation method should be used sparingly. "If they (board of investigators) are to command adequate attention and support from the public, however, they must be used sparingly and only when the emergency is of great importance."⁶

In addition to being a vehicle for the settlement of important disputes, investigation and report may have beneficial effects upon employer-employee bargaining relationships. The possibility of public investigation is apt to cause the parties to a dispute to arrive at an agreement in conference or agree to arbitration rather than air their differences in public. The existence of industrial disputes investigation legislation further tends to stimulate sound collective bargaining practice in that both management and labor would feel restrained from taking any position they could not defend in public forum.

The investigation process in actual practice is often a means of promoting direct settlement of a dispute. It is usual for the board of inquiry to get the parties to agree on as many points as possible and, in the process, they are often able to settle the entire dispute before the board has finished its hearing. Investigation and report may also, under certain circumstances, furnish a "face saving" device for either or both parties to a dispute. Labor or management might at times willingly accept recommendations of a board of inquiry that they would not or could not agree to on their own. Political consideration within a union or an employers association might give rise to such a situation as might some personal element between the union and management representative.

A. Fact-finding Under the English Industrial Court Act of 1919

Under the English Industrial Court Act of 1919 the Ministry of Labor is empowered to create special Courts of Inquiry to make investigations and report to Parliament on any industrial disputes. No strike or lockout limitations were provided for. The procedure has proved very effective in England although the resort to it has not been frequent. As Dr. Chang observes, "The power to appoint a court of inquiry has been used with great reserve and only in cases of great disputes on matters of exceptional importance."⁷ Between 1920 and 1937 only 23 courts of inquiry were appointed. These courts were established more frequently by labor than by other governments if allowance is made for their respective time in power. In approximately half of the cases settlements were reached along the lines suggested by the boards. In a few cases the necessary cooperation in the inquiry was not given or the report was ignored.⁸

B. The Canadian Industrial Disputes Investigation Act of 1907

Since 1907 the so-called system of compulsory investigation in Canada has aroused much interest. The law provides that employers

and employees in certain specified industries that vitally affect public welfare must give 30 days' notice of an intended or desired change in wages or hours. Strikes or lockouts are prohibited until the dispute has been dealt with by a board. The side proposing the change must make application for such a board. Disputes arising over working conditions, other than wages and hours, that threaten to cause a work stoppage also go to a board.

The application for the establishment of a board is accompanied by a statement of the nature of the dispute. The other party is also given a copy of the statement and given opportunity to reply. Upon receipt of application and answer, the Minister of Labour may proceed to have a board set up for mediation, investigation and report of the particular dispute. Each side selects its representative on the board, and the two in turn select a third board member who serves as chairman. In the event either disputant refuses or neglects to select a representative, or in the event of failure to agree upon the third member, the Minister of Labour completes the board by appointment.⁹

The boards have power to summon witnesses and call for records and other data. Most of them, however, proceed informally with the hope of bringing about agreement through conciliatory intervention. Conciliation is actually the largest element in the Canadian system. If a voluntary accord is reached, the agreement becomes the report of the board. Only when conciliation fails is there an investigation and an independent report with recommendations.

Between March 22, 1907, and March 31, 1940, 976 applications were made for the setting up of boards, and 594 boards were actually established. Of the first 421 (those between 1907-1925) there was unanimous agreement and report by 230 boards and substantial agreement in 25 others. Thus in approximately three-fifths of the cases a settlement satisfactory to the disputants was worked out. In 20.7 percent of the cases the worker representative dissented, while employer representative dissented in 12.6 percent of the cases. Majority findings, however, are usually accepted and made the basis of settlement of the disputes. During the 33 years ending in 1940, there were only 41 cases in which boards were established that strikes were not "averted or ended"* through board intervention.¹⁰ This does not mean to imply, however, the boards were directly responsible for averting strikes in the remaining 553 cases in which boards were set up. Many of these cases undoubtedly would have been peacefully settled even without intervention.

The law with its time limitations and penalties has been frequently ignored or openly violated. Between 1907-1935 there were a total of 657 unlawful strikes. Moral pressure has been relied upon to compel disputants to comply with the law. There have been occasional threats of prosecution for law violation, but there have been few prosecutions. In a democratically governed country it is nonpolitic to prosecute workers for going on strike.¹¹ There have been no differences between the Liberal and Conservative parties as to the soundness of the act. "It has been administered with the same sense of responsibility regardless of which

* Ended means that contrary to law strikes had occurred before boards had been set up or before proceedings had been finished. There were some 47 unlawful strikes "ended."

party has been in power.”¹² Employers generally have already favored the law, although they have at times opposed its application to any other industries than public utilities.¹³ Organized labor has always been divided on the subject of the Dispute Investigation Law. Since 1918, however, a great majority of Canadian unions have distinctly favored the act.¹⁴

C. Use of the Fact-finding Method by the Federal Government

1. Fact-finding Procedures of Railway Labor Act. Emergency boards of investigation are provided for under Section 10 of the Railway Labor Act. If a dispute between a carrier and its employees is not adjusted through the Mediation or the Arbitration Board provided for in the act and disputes are likely to deprive any section of the Country of essential transportation service, the Mediation Board must notify the President who may in turn appoint a board to investigate the dispute and render a report. The report must be rendered within thirty days. The board may be made up of as many persons as the President may deem desirable and a separate board is created for each case. No change, except by agreement, can be made in the conditions out of which the dispute arose after the board has been created and for 30 days after it has made its report.

In almost all of the 21 disputes prior to 1941 in which emergency boards were set up the boards were successful in causing a settlement. The Emergency Board set up in the fall of 1941, however, was almost disastrously unsuccessful. Negotiations over wage increases between various unions and the carriers had broken down. When the unions rejected the board's recommendations, the President recalled it, and asked it to serve only in a mediatory capacity. The result was a compromise settlement. Although a crippling strike in time of national emergency was avoided, the action also diminished Emergency Board prestige and thus weakened this phase of the procedure for settling railway labor disputes.¹⁵

Mr. Sumner H. Slichter concluded from this occurrence :

One of the most important conclusions yielded by the unfortunate experience with fact-finding boards in the railroad industry is that the public and its representatives must be prepared to put strong pressure on both sides to accept emergency board awards* * *.

The boards are bound to make errors—at least to many minds. Nevertheless, after a board of public spirited citizens has spent considerable time investigating a dispute and in making a recommendation, both the general public and the government can do no less than staunchly support the recommendations of the board. Neither the public nor government officials can expect to be sufficiently familiar with the intricacies of cases to challenge the findings of the boards.¹⁶

2. Federal Post-War Experiences with Fact-Finding. During 1946 fact-finding boards were utilized extensively by the Federal Government in an attempt to promote peaceful settlement of disputes in particularly critical industries. All boards were appointed by the Secretary of Labor with the exception of the steel board and the General Motors board which

were appointed by the President. Boards were usually composed of three public members. The Greyhound Bus board, however, was composed of three public members and one member each representing industry and labor. Public hearings were held in most cases, the steel board being the notable exception. The hearings were informal and legal rules of evidence were not observed and board members participated in the questioning of witnesses.

There was no legal compulsion to force parties to participate in the proceedings of the boards and there were therefore marked differences in the extent of participation by disputants. In the General Motors case, the company participated only in the proceedings of the first day. Most of the companies involved in the oil case also refrained from participating in the public hearing. In most cases, including the Greyhound Bus, steel, International Harvester and meat packing cases, participation was excellent. The unions cooperated in all the proceedings.¹⁷

A fact-finding board appointed by the Secretary of Labor to investigate and report on a dispute between the Milwaukee Gas, Light Co. and Local 18 United Gas, Coke and Chemical Workers of America, CIO, in August of 1946, made a full analysis of the fact-finding technique as applied to disputes involving public interest. A partial text of this report bears repeating here.

Voluntary arbitration of terms and conditions of employment * * * is not yet by any means a generally accepted pattern and is not likely to become such in the near future. Meanwhile the public interest as well as the interests of the disputants, requires some equitable and expeditious procedure for the peaceful settlement of disputes in this category as an alternative to the strike, the lock-out, and other forms of industrial warfare.

The procedure of fact-finding and recommendations by a properly qualified governmental board, while still in an experimental state, in our opinion holds much promise of filling the vacuum. Even when the parties have not agreed in advance to be bound by the recommendations, neither party is likely to assume responsibility for a strike or a lockout thereafter in the face of public opinion, which almost invariably supports the recommendations. It is not suggested that the procedure is by any means a panacea or that it will provide a perfect solution in any particular case. But it has the obvious advantages of flexibility, simplicity, and relative speed, and is adapted to take account of the collective bargaining problems unique to particular industries and the special facts of particular cases. This opinion is fortified by the experiences of the members of this board with the technique of fact-finding in two cases involving public utilities * * * In the Pacific Gas and Electric case a strike was avoided by invoking the services of a fact-finding board whose recommendations were promptly accepted by both sides. In the Milwaukee Gas, Light case a strike was settled again by invoking the services of a fact-finding board; under whose guidance a complete settlement was reached * * * during the process of the hearings.

If these experiences and similar experiences of other boards in different industries are any reliable indication, as we believe they are, the procedure of fact-finding and recommendations may very well prove to be useful on a broad scale as an effective supplement to collective bargaining, conciliation, mediation, and voluntary arbitration in the peaceful settlement of labor disputes involving the public interest * * * ¹⁸

D. State Fact-finding

1. New York—The New York State Board of Mediation is usually recognized as the leader in the field of state conciliation agencies.¹⁹

Actually there are less than a dozen states in which these state agencies (mediation bodies) function at all efficiently. The New York State Mediation Board and some others are notable exceptions * * * ²⁰

The success of the New York board is due not only to the calibre of its staff but also to the soundness of its legislative structure. Each year for the past 10 years a joint legislative Committee on Industrial and Labor Conditions, known often as the "Ives Committee," has conducted studies and investigations with the purpose of perfecting the state's labor legislation.

The New York Board of Mediation is empowered, on its own motion, to take any steps it may deem expedient to effect a voluntary settlement of differences between employees and employers. In cases affecting the public interest the Industrial Commissioner is authorized to appoint temporary boards of inquiry if a certificate for the appointment of such boards is filed by the State Board of Mediation, stating that the board's effort to effect a voluntary settlement have failed.

The New York industrial dispute investigation legislation is fairly closely patterned after the English system described earlier. There are no provisions requiring the filing of strike notices nor are there any strike or lock-out limitations. The board is given power to subpoena witnesses and records and to take testimony. The act further provides that confidential information submitted to a board investigation is not subject to court subpoena unless such information involves some criminal offense.

The investigation and report technique was first used in 1938 under the terms of a provision in the State Mediation Act that permitted investigations by the Commissioner of Labor. This early plan can be best described by an excerpt from a report of the New York State Board of Mediation.

One other plan for settling labor disputes has been tried by the board with no small degree of success. As a basic element, the plan calls for the appointment, in major strikes that do not yield to mediation, of a fact-finding board composed of a representative of the Industrial Commissioner of Labor, armed with the power of subpoena; an employer representative from the industry but not from the plant directly involved, and an officer of a union associated with the one engaged in the dispute.²¹

This procedure, however, was actually utilized only twice and this during the first year of the board's existence.

In 1940 the New York State Joint Legislative Committee on Industrial and Labor Relations recommended that the fact-finding technique be given specific legislative status.

It has been suggested that * * * when the public interest is seriously affected and all offers to settle the dispute by ordinary means have been rejected, the Industrial Commissioner be empowered to appoint a fact-finding board with the powers of subpoena and investigation to determine the merits of the dispute and to bring them to the attention of the public. It is not intended that this board should have any sanction or penal powers, but rather that the procedure depend for its effectiveness upon the fact that the truth about a particular situation would be brought to public attention and that public opinion would force the parties to seek a settlement. This procedure should not, of course, be employed in every strike or lockout, but only in extraordinary situations and in the case of strikes and lockouts in certain industries where the suspension of operation would vitally affect the public.²²

On the committee's recommendation, the 1941 Legislature passed an industrial disputes investigation act which provided the basis for the present system.

Mr. Arthur S. Meyer, chairman of the New York Board of Mediation, in 1945 said in regard to the state's industrial disputes investigation law: "It is a method to be sparingly employed but which may prove informative and persuasive in cases whose importance and public interest justify its use."²³ In only three cases since the passage of this act, has the State Board of Mediation certified a dispute to the Industrial Commissioner for the purpose of fact finding through a board of inquiry. No such certifications have been made since 1945. In two of the three cases so certified a settlement was obtained before the establishment of the board of inquiry and in the third matter settlement was reached through mediation during the process of the hearing which made it unnecessary for a fact-finding report to be published.

2. Minnesota—The Canadian Industrial Disputes Investigation Act, discussed earlier, has served as a basis for legislation in Colorado and in a measure in Minnesota and Michigan.

The Minnesota Labor Relations Act, includes sections outlining state mediation machinery. Under this act notice of intention to strike or lockout must be given the labor conciliator and other parties to the dispute 10 days before such action is to be effective. Upon receipt of a notice of intention to strike or lockout, the conciliator arranges a conference with the parties. He is empowered to take whatever steps he may deem expedient to bring about a settlement.²⁴ In labor disputes affecting the public interest the Governor may appoint a special tripartite commission to investigate and report on the merits of the contentions of the disputant parties. Strikes or lockouts are prohibited for a 30-day period if a special commission is appointed. The commission must file its report

at least five days before the end of the 30-day period. In complete contrast the New York industrial disputes investigation machinery, the Minnesota provision is often utilized. In 1947, for example, 32 commissions were appointed. The effectiveness of the Minnesota system in accomplishing its avowed purpose of industrial peace, is a subject of considerable controversy, and no clear-cut answers are yet discernable.

3. Massachusetts—The Massachusetts law relating to conciliation of industrial disputes provides that the public officials of any town, or the Governor or either party to a dispute may, notify the State Board of Arbitration and Conciliation when a strike or lockout is threatened or has occurred. If a settlement is not agreed upon and the parties will not submit to arbitration, the board shall investigate the dispute and publish a report assigning the blame.

In 1940 Governor Leverett Saltonstall delivered an address on the Massachusetts mediation machinery to the 32d annual meeting of the Governors Conference. Some of his remarks bear repeating here.

If the parties refuse to join in a submission to arbitration of the questions upon which they have failed to agree, the State Board (Mediation Board) proceed publicly to investigate. An investigation is a searching public inquiry, conducted in the city or town where the strike or lockout exists. The parties are notified to appear before the board and their testimony taken under oath. There is power of summons, but usually the parties appear without question.

Even though the processes of conciliation have failed and the parties in controversy have declined to join in submitting the questions in dispute to arbitration, it does not mean that the public investigation has made an amicable adjustment impossible. If, however, a settlement is not reached soon after the investigation closes, the board makes and publishes a report finding the cause and assigning the responsibility or blame. It usually adds a recommendation advising what ought to be done to adjust the controversy.

This recommendation does not have legal binding effect of an arbitration award, but it possesses a moral force that is tremendously effective—the powerful agency of public opinion. In the first two years after the amendment went into the law, the board investigated 44 cases of strikes and lockouts and reported responsibility or blame. In nearly every case the board's recommendations were substantially adopted, and a settlement followed the conclusion of the hearing. In the last six years the board has had to resort to compulsory investigations in only four cases. Confidence of employers and workers in the board has grown so great that the provision has practically ceased to be necessary.²⁵

The record of the Massachusetts board of arbitration and mediation has until recently been among the best.²⁶ The law was well drafted and the personnel of the board, during most of its existence has been excellent. The board has enjoyed the confidence and an unusual degree of cooperation from organized labor and employers, especially in the

shoe industry. The investigation and report process has been effective in preventing an open break from developing in several cases in most of the years.

* * * it would appear that in Massachusetts, when mediation and voluntary arbitration have been applied under favorable circumstances and where investigation has been resorted to, the degree of success realized has been approximately the same as in Canada under the Industrial Disputes Investigation Act, * * *.²⁷

4. Other States—The following states also have some form of industrial disputes investigation legislation: Alabama, Georgia, Illinois, Kansas, Maine, Maryland, Missouri, New Hampshire, New Jersey, Oklahoma, Oregon, South Carolina, South Dakota, Texas, and Washington.

II. SPECIAL MEDIATORS AND BOARDS OF MEDIATION

A second technique utilized for promoting peaceful adjustment of disputes in which there is vital public interest, is the appointment of special boards of mediation or special "big name" mediators to aid in the settlement of important cases. The special mediator or board of mediation is directed to act only after the usual conciliation or arbitration devices have either been refused or have proven unsuccessful, and then only in disputes of utmost importance and concern to the general public. The value of this technique lies largely in the ability of such special boards of mediation or widely known special mediators to make the parties to a dispute more vitally conscious of their responsibilities to the general public. It also makes possible the appointment of mediators who are intimate with the problems of particular industries.

Special boards of mediation are usually tri-partite with widely known representatives of labor and business and the general public. Some authorities, however, tend to favor bi-partite boards consisting only of public spirited representatives of top level management and labor. Special single mediators are usually church men or other widely respected public figures.

Mr. Sumner H. Slichter, writing on "Strikes and the Public Interest," has recommended special mediation boards be added to the conciliation machinery of the Federal Government.

The Conciliation Service obviously cannot expect to have national figures on its pay rolls on a full-time basis, but it should have a panel of "big names" from labor, management, and the public; and from the panel either single mediators or teams of two or three men should be appointed to handle important disputes. The essential usefulness of the special mediators is that their appointment would enable the government to show the public that it is showing proper concern over large and important disputes.²⁸

A model state mediation bill drafted with the cooperation of an Advisory Committee composed of the Executive Committee of the International Association of Governmental Labor Officials, administrators of

existing mediation laws, and representatives of the American Federation of Labor and the Congress of Industrial Organizations, provides for the appointment of special mediators in particular cases.

Section 2

C. The director may, from time to time, appoint special mediators to aid in the settlement of particular labor disputes or controversies and such special mediators when appointed shall have the same power and authority as regular mediators of the division and such appointment shall be for the duration only of the particular dispute; provided, that the director may revoke such power and authority at any time. Such special mediators shall be paid a per diem of \$----- per day while so engaged and their necessary expenses.²⁹

In the memorandum on the section it is explained:

This authority is suggested because in some types of controversies the services of a mediator, with special knowledge of industry or with unusual qualifications, are required.³⁰

A number of states have provided for the appointment of special mediators or special boards of mediation under various conditions.

The New York State Board of Mediation is empowered to appoint special mediators in cases affecting the public interest. In 1946 the New York State Joint Legislative Committee on Industrial and Labor Conditions, after a thorough study recommended that the board be empowered to appoint special mediators.

* * * the committee recommends that the board be granted the authority to appoint special mediators, if necessary, for the disposal of a particular case. Reputable and respected laymen can often do more to influence an agreement in a highly critical dispute than can a permanent member of a mediation staff. A case demonstrating the point was the New York City elevator strike in September, 1945, in which, after the Governor had appointed a special arbitrator, the strike ended and the controversy was settled immediately. The public interest often requires the use of special mediators who enjoy the confidence of the public as well as of the parties to the dispute. By such an arrangement, moreover, the community is given a share in the promotion of peaceful industrial and labor relations.³¹

The following states also have legislation provisions that provide for the appointment of special mediators for particular cases: Colorado, Connecticut, Indiana, Massachusetts, Minnesota, New Jersey, Rhode Island, South Carolina, and Wisconsin.

III. "COOLING OFF" PROVISIONS AND NOTICES OF INTENT TO STRIKE OR LOCK-OUT

In recent years a number of states have enacted legislation prohibiting strikes and lock-outs for certain specified periods or while mediation, arbitration or fact-finding procedures are being engaged in. Legislation

has also been enacted requiring the filing of strike or lock-out notices a stipulated period of time before engaging in such a strike or lock-out. These regulations usually apply only to disputes vitally affecting the public welfare, or apply specifically to disputes in public utilities.

Legislation of this type, it is claimed, provides a "cooling off period" during which parties to a dispute can ponder the possible results of their contemplated action. It is also designed to put a break on "quickie strikes" or on strikes called on short notice. It is further maintained that strike notices and "cooling off periods" give a mediation agency time in which to effect agreement between the disputants. It is an often heard complaint of mediators that they are too often not called in on a case until it is too late to do anything. Lastly, it is contended that many labor leaders, who may even publicly oppose one or both of these regulations, privately favor them. The "cooling off period" in particular gives the union official extra time to battle out extremely tough disputes at the conference table. The union officer is at the same time protected from the wrath of an impatient membership since responsibility for delays in securing new agreements or taking strike action may be shifted to the provisions of the law.

Mr. Sumner H. Slichter, while recommending the "cooling off" technique, cautions that it should be used with discretion.

In order to give mediation a good opportunity to function, the director of the conciliation service should be authorized in cases of great emergency to require the maintenance of the status quo for a limited period, say thirty days, subject to the proviso that any settlement is retroactive. A period of delay may turn out to be either a "cooling off" period or a "heating up" period. There is a good reason for making the period of delay run only at the request of the director of conciliation. In ordinary circumstance, disputes are easier to settle before a strike or a lock-out has occurred, but this is not invariably true. Sometimes a group of men have a strike in their systems and must be out for a week or possibly several weeks before they are really in a mood to settle. The same may be true of employers.³²

Opponents of strike notice and "cooling off period" legislation, which includes significant sections of organized labor, maintain that such enactments are infringements on labor's fundamental right to strike. The "cooling off" period, it is held, is often a "heating up" period during which disputants gird for an impending struggle. It is further argued that legal strike limitations simply become additional formalities which unions must go through before going on strike and need in no way contribute to the cause of industrial peace. Lastly, it is contended that "cooling off" legislation tends to work to the economic disadvantage of the unions. It is to the economic advantage of management to postpone any settlement involving wage increases wherever possible and the "cooling off" period affords management with just such an opportunity

This objection may be overcome, however, by providing that settlements effected during "cooling off" periods be made retroactive to the contract termination or renewal date.

The following states have "cooling off" and or strike notice provisions in their labor laws: Minnesota, Colorado, Florida, Indiana, Kentucky, Massachusetts, Michigan, Missouri, New Jersey, and Virginia.

IV. METHODS OF STRENGTHENING STATE MEDIATION SERVICES

In addition to the four previously mentioned methods (fact-finding, special mediators, "cooling off" periods and notices of intent to strike) for promoting voluntary settlement of labor disputes involving public interest, the cause of industrial peace may also be furthered by broadening the present services of state mediation agencies.

A. "Preventive" Activities

Mediation agencies are engaging more and more in "preventive" activities. Instead of waiting for labor disputes to develop and then attempting to conciliate them, increasing emphasis is now being placed on the promotion of sound collective bargaining practices and sound union-employer relationships generally. The United States Conciliation Service under Mr. Ching has recently embarked upon such a program. A number of state mediation agencies, including those of Alabama, Colorado, Indiana, Kentucky, New York, South Carolina, West Virginia, are presently charged with furthering the cause of industrial peace by helping to provide a basis for peaceful settlement of differences before controversies arise. Under such provisions a mediation agency may contribute needed counsel and advice in cases where union-employer relationships are weak and where sound collective bargaining practices are lacking. For example, labor-management committees have been set up in a number of cases upon the suggestion of the California State Conciliation Service. Such committees have contributed considerably to the peaceful settlement of industrial disputes.

The model state mediation bill, drawn up with the cooperation of an Advisory Committee composed of the Executive Committee of the International Association of Governmental Labor Officials, administrators of existing mediation laws and John Brophy, Director of the Industrial Union Councils Division of the C. I. O., and Boris Shiskin, Economist for the A. F. of L., provides for broad "preventive" activities. Section 2 provides in part:

It shall be the duty of the director under the supervision of the (*title of head of labor agency*), in order to minimize the effects of labor disputes:

1. to encourage employers and employees to settle their differences by conference between representatives of the parties, and by other peaceful means without resort to strikes or lockouts;³³

B. Activities of State Mediation Agency Must Be Confidential

The success of a mediation agency depends, to a considerable extent, upon the confidence of the parties to a dispute in the agency's ability to

keep proceedings before it strictly confidential. A section of the New York State mediation law provides in part as follows:

Members of the board, the executive secretary and all other employees of the board shall not be compelled to disclose to any administrative or judicial tribunal any information relating to, or acquired in the course of their official activities under section seven hundred fifty-two and section seven hundred fifty-three of article twenty-one of the labor law, nor shall any reports, minutes, written communications, or other documents of the board pertaining to such information be subject to subpoena; except that where the information so required indicates that the person appearing or who has appeared before the board has been the victim or subject of a crime, said members of the board, the executive secretary and all other employees of the board may be required to testify fully in relation thereto upon any examination, trial, or other proceeding in which the commission of a crime is the subject of inquiry.³⁴

Colorado and Maryland are also among those states having similar legal provisions in their state mediation laws.

The model state mediation bill, earlier referred to, provides:

(a) Any information, document, files or records received or kept by the (*insert name of state labor agency*) its employees or appointees in carrying out the provisions of this act shall be privileged, subject to waiver in writing only by the (*insert name of head of state labor agency*).³⁵

In the memoranda explaining the bill it is pointed out:

As a result of the provision, mediators and other employees of the division cannot be compelled in judicial or other similar proceedings to testify or divulge information received as a result of mediation activities and necessarily required to be kept confidential so that faith in and the usefulness of State mediators may not be destroyed. . . .³⁶

C. Power of Mediation Agency to Proffer Services or to Intervene on Own Motion

Power of a mediation agency to intervene in a dispute on its own motion or to proffer its services are further provisions that may enable the agency to more effectively carry out its activities. This does not mean that a mediation agency should intervene in every dispute regardless of whether it is requested to do so, but that the agency should be able to intervene in cases, which, in its judgment, settlement might be promoted by such intervention. In many disputes neither party will request mediation service for fear that such action will be interpreted as a sign of weakness. Clearly in such cases the agency should be empowered to proffer its services to the disputants. In disputes in which there is a vital public concern, the mediation agency should have power to intervene in the public interest.

The model state mediation bill referred to earlier provides that an agency may proffer its services to parties to a dispute. Section 2(b) provides in part:

Subject to such rules and regulations as he may prescribe, the Director may proffer the services of the Division in any labor dispute either on his motion or upon the request of one or more of the parties to the dispute.³⁷

State legislation in 12 states either specifically or in effect provides that the state mediation agency may proffer its services in any labor disputes. These states are: Colorado, Illinois, Kentucky, Maine, Maryland, Michigan, Oklahoma, West Virginia.

In 15 states legislation provides either specifically or in effect that a state mediation agency or authority may intervene in any industrial dispute on its own motion. These states are: Alabama, Connecticut, Massachusetts, New Hampshire, New Jersey, South Carolina, South Dakota, Utah, Wisconsin.

In five states intervention by a state agency on its own motion is provided for in disputes that involve general public interest or that endanger public health and safety: Iowa (in practice the Bureau of Labor has intervened in disputes on its own motion upon rare occasions), Massachusetts, Minnesota, New York (these three states have special machinery for dealing with such disputes in which power of intervention is provided for), and Oklahoma.

In five states intervention by a state agency on its own motion is provided for in disputes in public utilities. They are: Michigan, Missouri, Nebraska, New Jersey, and Virginia.

1. Arthur Harris, *Government Mediation and Arbitration in Industrial Disputes*, Bureau of Public Administration, University of California, 1939 Legislative Problems, No. 10, p. 1.
2. Sumner H. Slichter, "Strikes and the Public Interest," *The Yale Review*, Winter 1946, p. 211.
3. Edwin E. Witte, "What the States Can Do to Improve Labor Relations," *State Government*, December 1945.
4. Slichter, *op cit.*, p. 213.
5. Braun, *The Settlement of Industrial Disputes* (Blackstone Co. 1944), p. 19.
6. Sumner H. Slichter, *op. cit.*, p. 214.
7. Dr. Chang, *British Methods of Industrial Peace* (New York, Columbia University Press, 1936) p. 782.
8. Harry A. Millis and Royal E. Montgomery, *Organized Labor* (McGraw-Hill Book Co., New York, 1945) p. 782.
9. For full discussion, see B. M. Selekman, *Law and Labor Relations: A Study of Industrial Disputes Investigation Act of Canada*, (Publication of the Harvard Graduate School of Business Administration) Vol. 23, No. 1, 1936.
10. Millis, *op. cit.*, p. 786.
11. *Ibid*, pp. 788-789.
12. *Ibid*.
13. *Ibid*.
14. *Ibid*, p. 790.
15. *Ibid*, p. 747.
16. Sumner H. Slichter, *op. cit.*, p. 216.
17. "Wage Policy and the Role of Fact-Finding Boards," *Monthly Labor Review* (U. S. Dept. of Labor) Vol. 62, No. 4, April 1946, pp. 539-549.
18. U. S. Dept. of Labor: Report and Recommendations of the Fact-Finding Board Appointed by Order of Secretary of Labor on August 7, 1946, in the dispute between Milwaukee Gas, Light Co. and Local 18, United Gas, Coke and Chemical Workers of America (C. I. O.) by Clark Kerr, John Ernest Roe and Nathan P. Feinsinger, chairman, Washington, September 14, 1946.

19. Millis, *op. cit.*, p. 723. Was also consensus of opinion of various conciliators and arbitrators that were interviewed.
20. Edwin E. Witte, "What the State Can Do to Improve Labor Relations," *State Government*, Dec. 1945, Vol. XVIII, No. 13, p. 224.
21. First Annual Report of the New York State Board of Mediation, July 1, 1938, p. 8.
22. Report of the New York State Joint Legislative Committee on Industrial and Labor Relations 1940 (Legislative Document (1940) No. 55) pp. 41 and 42.
23. Arthur S. Meyer, "The New York State Board of Mediation; Its Policies and Functions", *State Government*, December 1945.
24. Minnesota Statutes, Section 179.01-179.49 Minnesota Labor Relations Act.
25. "History of the Massachusetts Conciliation and Arbitration Board" Address by Hon. Leverett Saltonstall, Governor of Massachusetts. *Proceedings of the Governors Conference 32nd Annual Meeting* 1940, pp. 26 and 27.
26. Millis and Montgomery, *op. cit.*, p. 724.
27. *Ibid*, p. 725.
28. Sumner H. Slichter, *op. cit.*, p. 213.
29. U. S. Department of Labor, Bureau of Labor Standards, *Suggested Language for a State Bill on Mediation*, April 1, 1948.
30. U. S. Department of Labor, Bureau of Labor Standards, *Memorandum Explana-tory of Suggested Language for a State Bill of Mediation*, April 1, 1948.
31. *Report of the New York State Joint Legislative Committee on Industrial and Labor Conditions*, Legislative Document (1946) No. 51, p. 53.
32. Sumner H. Slichter, *op. cit.*, p. 213.
33. U. S. Department of Labor, *Suggested Language for a State Bill on Mediation*, *op. cit.*
34. New York Labor Law Article 21, *op. cit.*
35. U. S. Department of Labor, *Suggested Language for a State Bill on Mediation*, *op. cit.*
36. U. S. Department of Labor, *Memorandum op. cit.*
37. U. S. Department of Labor, *Suggested Language for a State Bill on Mediation*, *op. cit.*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 10, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 13.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 13—Relative to approving amendments to the charter of the City of Piedmont, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the thirteenth day of April, 1948.

Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 13, at this time, for consid-eration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 13

Assembly Concurrent Resolution No. 13—Relative to approving amendments to the charter of the City of Piedmont, a municipal corpora-tion in the County of Alameda, State of California, voted for and ratified

by the qualified electors of said city at a regular municipal election held therein on the thirteenth day of April, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—33.
NOES—None.

Resolution ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 10, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 8
Senate Concurrent Resolution No. 9
Senate Concurrent Resolution No. 10
Senate Concurrent Resolution No. 11
Senate Concurrent Resolution No. 12

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

Above resolutions ordered enrolled.

RECESS

At 11.10 a.m., on motion of Senator Breed, the Senate recessed so that Senator Breed could introduce Mr. L. C. Musselman to the Senate, who gave a very interesting talk on his experiences in exploring the Antarctic with Admiral Byrd's expedition.

REASSEMBLED

At 11.35 a.m., the Senate reconvened.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the Desk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 11, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Resolution No. 21

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, January 11, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor, dated January 3, 1949, appointing:

GEORGE E. COURSER, to the State Fire Advisory Board, vice self, to serve at the pleasure of the Governor;

EARL B. REEVES, to the State Fire Advisory Board, vice self, to serve at the pleasure of the Governor;

EDWARD P. WALSH, to the State Fire Advisory Board, vice self, to serve at the pleasure of the Governor;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes: 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR

Motion to Confirm Appointments by the Governor

Senator Powers moved that the Senate confirm and consent to the appointments of George E. Courser, Earl B. Reeves, and Edward P. Walsh as members of the State Fire Advisory Board.

The President put the question, "Will the Senate confirm and consent to the appointments of George E. Courser, Earl B. Reeves, and Edward P. Walsh?"

The roll was called, with the following result:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—35.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointments of George E. Courser, Earl B. Reeves, and Edward P. Walsh as members of the State Fire Advisory Board.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 11, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor, dated January 3, 1949, appointing:

MIKE VUJOVICH to the Board of Trustees, Camarillo State Hospital, vice self, for the four-year term prescribed by law;

W. D. BANNISTER to the Board of Trustees, Camarillo State Hospital, vice self, term expired, for the four-year term prescribed by law;

MRS. FLORENCE JANSS, to the Board of Trustees, Camarillo State Hospital, vice self, for the four-year term prescribed by law;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes: 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR

Motion to Confirm Appointments by the Governor

Senator Powers moved that the Senate confirm and consent to the appointments of Mike Vujovich, W. D. Bannister, and Mrs. Florence Janss as members of the Board of Trustees, Camarillo State Hospital.

The President put the question, "Will the Senate confirm and consent to the appointments of Mike Vujovich, W. D. Bannister and Mrs. Florence Janss?"

The roll was called with the following result:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse,

Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointments of Mike Vujovich, W. D. Bannister, and Mrs. Florence Janss as members of the Board of Trustees, Camarillo State Hospital.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 11, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor, dated January 3, 1949, appointing:

EDWIN L. CARTY, to the Fish and Game Commission, vice self, for the term prescribed by law, ending January 15, 1949;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointment of the Governor be confirmed.

Committee membership 5; committee vote: Ayes: 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Powers moved that the Senate confirm and consent to the appointment of Edwin L. Carty as a member of the Fish and Game Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of Edwin L. Carty?"

The roll was called, with the following result:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Edwin L. Carty as a member of the Fish and Game Commission.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 11, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor, dated January 3, 1949, appointing:

MRS. ELIZABETH L. HOEY to the Social Welfare Board vice self, for the term prescribed by law, ending January 15, 1951;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointment of the Governor be confirmed.

Committee membership 5; committee vote: Ayes: 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR**Motion to Confirm Appointment by the Governor**

Senator Powers moved that the Senate confirm and consent to the appointment of Mrs. Elizabeth L. Hoey as a member of the Social Welfare Board.

The President put the question, "Will the Senate confirm and consent to the appointment of Mrs. Elizabeth L. Hoey?"

The roll was called, with the following result:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Mrs. Elizabeth L. Hoey as a member of the Social Welfare Board.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 11, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor, dated January 3, 1949, appointing:

PETER E. MITCHELL to the California Unemployment Insurance Appeals Board and Member of the California Employment Stabilization Commission, vice self, for the term prescribed by law, ending January 1, 1951;

GLENN V. WALLS, to the California Unemployment Insurance Appeals Board and Member of the California Employment Stabilization Commission, vice self, for the term prescribed by law, ending May 1, 1952;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership: 5; committee vote: Ayes: 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR**Motion to Confirm Appointment by the Governor**

Senator Powers moved that the Senate confirm and consent to the appointments of Peter E. Mitchell and Glenn V. Walls as members of the California Unemployment Insurance Appeals Board and members of the California Employment Stabilization Commission.

The President put the question, "Will the Senate confirm and consent to the appointments of Peter E. Mitchell and Glenn V. Walls?"

The roll was called, with the following result:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointments of Peter E. Mitchell and Glenn V.

Walls as members of the California Unemployment Insurance Appeals Board and members of the California Employment Stabilization Commission.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 11, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor, dated January 3, 1949, appointing:

WILLIAM G. WELT, to the Board of State Harbor Commissioners, for San Francisco Harbor, vice self, for the term ending May 1, 1952;

B. J. FEIGENBAUM, to the Board of State Harbor Commissioners, for San Francisco Harbor, vice self, for the term ending May 1, 1949;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership: 5; committee vote: Ayes: 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR

Motion to Confirm Appointments by the Governor

Senator Powers moved that the Senate confirm and consent to the appointments of William G. Welt and B. J. Feigenbaum as members of the Board of State Harbor Commissioners.

The President put the question, "Will the Senate confirm and consent to the appointments of William G. Welt and B. J. Feigenbaum?"

The roll was called, with the following result:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointments of William G. Welt and B. J. Feigenbaum as members of the Board of State Harbor Commissioners.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 14: By Senators Hatfield, Salsman, Hugh M. Burns, Brown, Mayo, Gibson, McBride, Miller, Regan, Keating, and Cunningham—Relative to the creation of the Joint Legislative Committee on Lending Transactions.

Referred to Committee on Rules.

Request for Unanimous Consent

Senator Burns asked for, and was granted, unanimous consent to take up Senate Resolution No. 21, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 21

Senate Resolution No. 21

Relative to the continuance of the Senate Committee on Professional and Vocational Standards and Procedure

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Professional and Vocational Standards and Procedure created by Senate Resolution No. 89 of the 1947 Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, and to file its final report not later than the final legislative day.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of three thousand eight hundred seventy-nine dollars and three cents (\$3,879.03) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Senate Resolution No. 14, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 14

Senate Resolution No. 14

Relative to augmenting the funds of the Senate Fact-Finding Committee on Un-American Activities

Resolved by the Senate of the State of California, That in addition to any money heretofore made available, the sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the Senate Fact-Finding Committee on Un-American Activities (created by Senate Resolution No. 75, as amended, 1947 Regular Session) and its members and for any charges, expenses or claims incurred by it under said resolution, during the period for which it was created, to be paid from the Contingent Fund of the Senate and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

Point of Order

Senator Keating rose to a point of order that the discussion was going beyond the scope of the question and the point of personal privilege.

The President ruled the point of order well taken.

Previous Question

Senator Weybret moved the previous question.

Motion carried.

Point of Order

Senator Hatfield rose to the point of order that the motion for the "previous question" had carried and was not debatable.

The President ruled the point of order well taken.

The question being on the adoption of Senate Resolution No. 14.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—Senators Collier, Dillinger, Drobish, and Miller—4.

RESOLUTIONS

The following resolutions were offered :

By Senator Swing :

Senate Resolution No. 22

Relative to continuance of the Senate Committee on Recreation and Wildlife Conservation

Resolved by the Senate of the State of California, As follows :

1. The Senate Committee on Recreation and Wildlife Conservation, created by Senate Resolution No. 127 of the 1947 Session, is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of five thousand six hundred sixty-six dollars and ninety-seven cents (\$5,666.97) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senator Hatfield :

Senate Resolution No. 23

Relative to the continuance of the Senate Interim Committee on Livestock Diseases

Resolved by the Senate of the State of California, As follows :

1. The Senate Interim Committee on Livestock Diseases created by Senate Resolution No. 145 of the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The committee is specifically authorized and directed to appear before any congressional committee dealing with livestock diseases and related problems, wherever such congressional committee may meet, and to present to such congressional committee the findings of, and evidence secured by the Senate Committee on Livestock Diseases, and to ascertain what, if any, congressional action may be taken with respect to the control of such livestock diseases.

4. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

5. The sum of two thousand dollars (\$2,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Joint Resolution No. 3: By Senators Crittenden, Hatfield, Hugh M. Burns, Kraft, Tenney, Watson, Swing, Hulse, Ward, and McBride—Relative to memorializing the President and the Congress of the United States in relation to the effect of the recent freezing weather conditions on the agricultural industry of California.

Request for Unanimous Consent

Senator Crittenden asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 3, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 3

Senate Joint Resolution No. 3—Relative to memorializing the President and the Congress of the United States in relation to the effect of the recent freezing weather conditions on the agricultural industry of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—38.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 126: By Senator Parkman—An act to add Section 639 to the Agricultural Code, relating to milk products.

Referred to Committee on Agriculture.

Senate Bill No. 127: By Senator McBride—An act to amend Section 252 of the Unemployment Insurance Act, relating to unemployment compensation disability insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 128: By Senator Desmond—An act to amend Section 737hh of the Political Code, relating to salaries of superior judges in Sacramento County.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 129: By Senators Tenney, Hugh M. Burns, Watson, Donnelly, Kraft, Dilworth, Jespersen, Sutton, Weybret, and Williams—An act to define communism and communist.

Referred to Committee on Judiciary.

Senate Bill No. 130: By Senator Tenney—An act to add Section 8275 to the Education Code, relating to the teaching of un-American systems of government upon state school property.

Referred to Committee on Education.

Senate Bill No. 131: By Senator Tenney—An act to amend Section 6060.5 of the Business and Professions Code, relating to bar examinations of veterans.

Referred to Committee on Business and Professions.

Senate Bill No. 132: By Senators Tenney, Hugh M. Burns, Watson, Donnelly, Kraft, Dilworth, Jespersen, Weybret, Sutton, and Williams—An act to amend Sections 2601 and 2619 of the Elections Code, relating to declarations of candidacy.

Referred to Committee on Elections.

Senate Bill No. 133: By Senator Jespersen—An act to amend Section 19141 of the Government Code, relating to reinstatement of employees in the state civil service.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 134: By Senator Jespersen—An act to amend Section 16484 of the Education Code, relating to school health reports.

Referred to Committee on Education.

Senate Bill No. 135: By Senator Donnelly—An act to amend Section 22500 of, and to add Section 22505 to, the Water Code, relating to disposition of irrigation district property.

Referred to Committee on Water Resources.

Senate Bill No. 136: By Senator McBride—An act to amend Sections 8, 10, 12, 14, 15, and 24 of the Ventura County Flood Control Act, and to add Sections 8.1, 8.2, 8.3, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46 to the said act, relating to the Ventura County Flood Control District.

Referred to Committee on Water Resources.

Senate Bill No. 137: By Senator Regan—An act to amend Section 969 (b) of the Penal Code, relating to proof of previous conviction of crime by certified records.

Referred to Committee on Judiciary.

Senate Bill No. 138: By Senator Drobish—An act to add Section 66q to the Code of Civil Procedure, relating to the number of judges of the Superior Court in the County of Butte, and providing for the appointment of an additional judge and for compensation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 139: By Senators O'Gara and Miller—An act to amend Section 3856 of the Labor Code, dealing with workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 140: By Senators O'Gara and Miller—An act to amend Section 3854 of the Labor Code, dealing with workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 141: By Senators O'Gara and Miller—An act to amend Section 5801 of the Labor Code, relating to attorney's fees under the Workmen's Compensation Act.

Referred to Committee on Labor.

Senate Bill No. 142: By Senator Regan—An act to amend the heading of Article 4 of Chapter 1 of Division 4, and Section 4126 of the Public Resources Code, relating to the closing of parks and forestry areas.

Referred to Committee on Natural Resources.

Senate Bill No. 143: By Senators Regan and Judah—An act to add Section 4006.5 to the Public Resources Code, relating to cooperative agreements for reforestation.

Referred to Committee on Natural Resources.

Senate Bill No. 144: By Senator Regan—An act to amend Section 4433 of the Public Resources Code, relating to state payments to counties in lieu of taxes on land acquired for state forests.

Referred to Committee on Judiciary.

Senate Bill No. 145: By Senator Regan—An act to add Section 4128 to the Public Resources Code, relating to orders closing park and forestry areas, making the violation thereof a misdemeanor.

Referred to Committee on Judiciary.

Senate Bill No. 146: By Senator Regan—An act to amend Section 602 of the Penal Code, relating to trespass.

Referred to Committee on Judiciary.

Senate Bill No. 147: By Senators Hatfield, Hugh M. Burns, Sutton, Cunningham, Donnelly, Crittenden, Hulse, Gibson, and Abshire—An act to amend Section 470 of the Agricultural Code, relating to market milk.

Referred to Committee on Agriculture.

Senate Bill No. 148: By Senators Hatfield, Desmond, Hulse, Gibson, Sutton, Abshire, Michael J. Burns, Hugh M. Burns, Cunningham, Parkman, Crittenden, and Donnelly—An act to amend Section 750.2 of the Agricultural Code, relating to the effective period of Chapter 14 of Division 4 of said code, relating to the California Dairy Industry Advisory Board.

Referred to Committee on Agriculture.

Senate Bill No. 149: By Senator Miller—An act to repeal Section 3720 of the Elections Code, thereby repealing certain temporary provisions for ballots and envelopes for absent voting during wartime.

Referred to Committee on Elections.

Senate Bill No. 150: By Senator Dillinger—An act to amend Section 332 of the Vehicle Code, relating to operators' and chauffeurs' licenses and the driving of vehicles.

Referred to Committee on Transportation.

Senate Bill No. 151: By Senator McBride—An act to amend Section 1989 of the Code of Civil Procedure, relating to witnesses.

Referred to Committee on Judiciary.

Senate Bill No. 152: By Senator Hatfield—An act to repeal Section 1881.3 of the Civil Code, relating to the period during which the chapter of said code, relating to private bulk storage of grain shall remain in effect.

Referred to Committee on Agriculture.

Senate Concurrent Resolution No. 15: By Senator Hatfield—Relative to the continuance of the Joint Legislative Committee on Agriculture and Livestock Problems.

Referred to Committee on Rules.

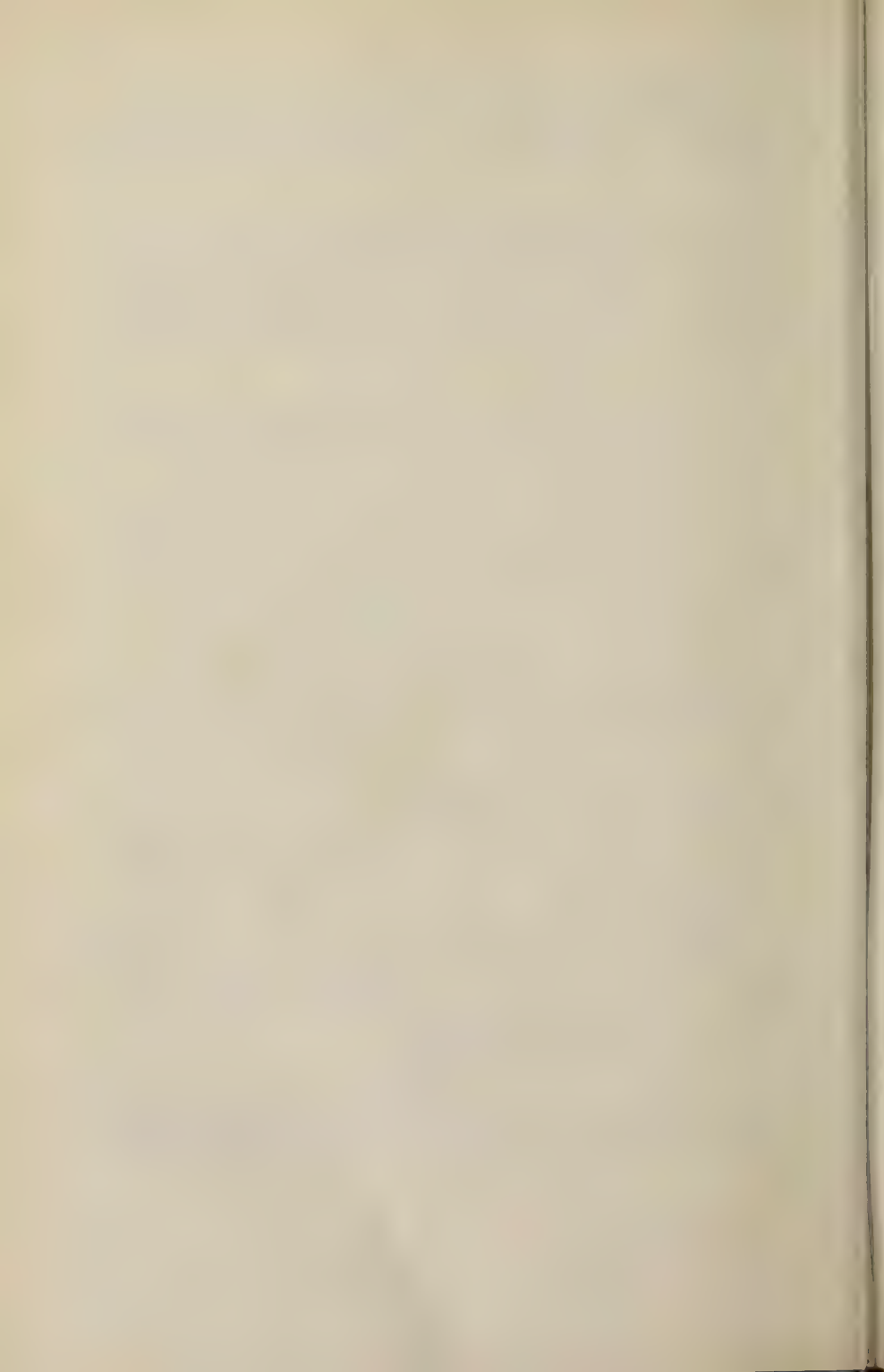
Senate Constitutional Amendment No. 4: By Senator Dilworth—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article IV thereof, relating to initiative measures.

Referred to Committee on Elections.

ADJOURNMENT

At 12.55 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 11.00 a.m., Wednesday, January 12, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

EIGHTH LEGISLATIVE DAY

TENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, January 12, 1949

The Senate met at 11 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Dorsey, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Hatfield and Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Estelle Henderson of San Diego and Mrs. O. Gordan of Long Beach.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayor Gilbert E. Fritz and Mr. D. E. Dickson of National City.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. W. Houston of Hanford.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Joe Riley of Reno, Nevada, and Mr. and Mrs. May, Miss Harriet Robertson and Miss Ann Clapps of Richmond.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William H. Parker, Robert A. Hatfield and Mark C. King of Los Angeles.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Al. Harrison, City Councilman, Colusa.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank L. Lathrop of Fort Jones.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 12, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointments, and respectfully request your confirmation thereof and consent thereto:

HAROLD P. HULS, 2161 Byron Street, Palo Alto; formerly City Attorney of Pasadena; Member of the Public Utilities Commission since November 1, 1945; to the Public Utilities Commission, vice self, for the term prescribed by law, ending January 1, 1955.

KENNETH POTTER, a resident of Fresno; Professor at Fresno State College; Member of the Public Utilities Commission since February 5, 1947; to the Public Utilities Commission, vice self, for the term prescribed by law, ending January 1, 1955.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 1

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 15

Assembly Concurrent Resolution No. 17

Assembly Concurrent Resolution No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 15—Approving amendment to the charter of the County of Fresno, State of California, which was submitted to the qualified electors of said county and voted on and ratified by them at the general election held therein on November 2, 1948.

Request for Unanimous Consent

Senator Hugh M. Burns asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 15, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 15

Assembly Concurrent Resolution No. 15—Approving amendment to the charter of the County of Fresno, State of California, which was submitted to the qualified electors of said county and voted on and ratified by them at the general election held therein on November 2, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 17—Relative to congratulating the University of California Varsity Eight upon its victory in the 1948 Olympic Games.

Ordered placed on file.

Assembly Concurrent Resolution No. 18—Relative to approving amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the twelfth day of April, 1948.

Ordered placed on file.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 12, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 14

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Request for Unanimous Consent

Senator Hatfield asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 14, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 14

Senate Concurrent Resolution No. 14—Relative to the creation of the Joint Legislative Committee on Lending Transactions.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—33.
NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, JANUARY 11, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Joint Resolution No. 2

Has had the same under consideration, and reports the same back with recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported resolution ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 17, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 17

Assembly Concurrent Resolution No. 17—Relative to congratulating the University of California Varsity Eight upon its victory in the 1948 Olympic Games.

Resolution read, and presented by Senator Breed.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—35.
NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 18, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 18

Assembly Concurrent Resolution No. 18—Relative to approving amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, voted for and ratified

by the qualified electors of said city at the regular municipal election held therein on the twelfth day of April, 1948.

Resolution read, and presented by Senator Breed.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered :

By Senator Powers :

Senate Resolution No. 24

Resolved, That the following be, and the same are, hereby adopted as the standing rules of the Senate.

STANDING RULES OF THE SENATE

Convening and Sessions

Hour of Meeting

1. The Senate shall meet at 11 a.m., daily, except Sundays, unless otherwise ordered by the Senate.

Calling to Order

2. The President, President pro Tempore, or senior member present shall call the Senate to order at the hour stated, and if a quorum be present shall proceed with the order of business.

Attendance of Members

3. No Senator shall absent himself from attendance upon the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators at the expense of such absent Senators, respectively, unless such excuse for nonattendance as shall be made to the Senate when a quorum is convened, shall be judged sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate. The President or Acting President of the Senate, or less than a quorum present, shall have the power to issue process directly to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process unless sick or unable to attend, shall be deemed guilty of contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

Order of Business

4. The order of business shall be as follows :

1. Roll Call.
2. Prayer by the Chaplain.
3. Leaves of Absence.

4. Privileges of the Floor.
5. Communications and Petitions.
6. Messages from the Governor.
7. Messages from the Assembly.
8. Reports of Committees.
9. Motions, Resolutions and Notices.
10. Introduction and First Reading of Bills.
11. Special Orders.
12. Unfinished Business.
13. Consideration of Daily File.
14. Announcement of Committee Meetings.
15. Adjournment.

Executive Sessions

5. When a motion is adopted to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of the Senate, Secretary, Minute Clerk, and Sergeant-at-Arms, to withdraw, and during the discussion of said business the doors shall remain closed. Every Senator and officer present shall keep secret all matters and proceedings concerning which secrecy shall be enjoined by order of the Senate.

Officers of the Senate

The President

6. The Lieutenant Governor shall be the President of the Senate. He shall have a casting vote when the vote is equally divided and his vote will decide the issue.

The President shall maintain order in the Senate Chamber and in case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have the power to order the same cleared.

The President pro Tempore

7. The President pro Tempore shall, in the absence of the President, take the chair and call the Senate to order, at the hour of the meetings of the Senate, and shall have the same powers as the President.

It shall be the particular responsibility of the President pro Tempore to secure the prompt and businesslike disposition of bills and other business before the Senate.

The Vice Chairman of the Committee on Rules shall, in the absence of the President pro Tempore, perform the duties, and have all powers and authority of the President pro Tempore.

Presiding by Senators

8. The President pro Tempore of the Senate may name any Senator to perform the duties of the Chair in the absence of the President. The Senator so named shall be vested, during such time, with all the powers of the President.

Secretary of the Senate

9. It shall be the duty of the Secretary of the Senate to attend every session, call the roll, read all bills, amendments, resolutions, and all papers ordered read by the Senate or the presiding officer.

He shall superintend all printing and clerical work to be done for the Senate and shall have supervision over all attaches and employees of the Senate. He shall assign, reassign or transfer all attaches or employees to their respective duties.

He shall certify to and transmit to the Assembly all bills, joint and concurrent resolutions, constitutional amendments and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

He shall also keep a correct Journal of the proceedings of the Senate, and shall notify the Assembly of the action by the Senate on all matters originating in the Assembly, and requiring action on the part of the Senate.

The Secretary of the Senate shall have custody of all bills, documents, papers and records of the Senate and shall not permit any such bills, records or papers to be taken from the desk or out of his custody by any person, except in the regular course of the business of the Senate.

All employees on the pay roll of the Senate are employees of the Senate and not of individual members and they are under the direct control of the Secretary of the Senate. Any insubordination or inefficiency on the part of any employee shall be reported by the Secretary to the Committee on Rules or if a Committee on Attaches be appointed, then to that committee.

Expenditures of Secretary

9.5. All proposed expenditures by the Secretary of the Senate shall be subject to approval by the Senate Committee on Rules or its authorized representative pursuant to Standing Rule No. 13.1. including expenses for telephone service, telegraph service, supplies, rental of typewriters, illuminating resolutions, traveling expenses and any other incidental expenses in connection with concluding the business of the Senate and performing any duties imposed by law or by the rules or the resolutions of the Senate. Claims for any such expenses and claims for incidental expenses of the Senate heretofore incurred but for which payment has not been provided by any other resolution shall be submitted by the Secretary of the Senate to the Senate Committee on Rules or its authorized representative and such claims, if approved, shall be transmitted to the Controller for payment pursuant to this resolution.

Sergeant-at-Arms of the Senate

10. The Sergeant-at-Arms shall attend the Senate during all of its sittings, execute the commands of the Senate from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. The Sergeant-at-Arms is authorized to arrest for contempt all persons outside the bar, or in the gallery, found in loud conversation, or otherwise making a noise to the disturbance of the Senate. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and release, and the traveling expenses for himself and special messenger going and returning shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall also be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators.

The Sergeant-at-Arms shall place copies of all bills, joint and concurrent resolutions, constitutional amendments, and Journals, Histories

and Files, when printed, on the desks of Senators, at least one hour previous to the opening of session.

Additional Duties

10.5. The Sergeant-at-Arms is authorized to procure such boxes, packing and other materials as are necessary to ship to the Members of the Senate at their various places of residence their bill files, books, stationery and other printed matter at the close of each session. All proposed expenditures by the Sergeant-at-Arms incurred pursuant to this rule or in performing any duties imposed by law or by the Rules or resolutions of the Senate shall be subject to approval by the Senate Committee on Rules or its authorized representative pursuant to Standing Rule No. 13.1. All claims incurred by the Sergeant-at-Arms shall be submitted to said committee or its authorized representative and, if approved, shall be transmitted to the Controller for payment pursuant to this resolution.

10.6. The Controller is hereby authorized and directed to draw his warrants in favor of the Secretary of the Senate, the Sergeant-at-Arms, and other officers and employees who render services to the Senate as certified weekly by the Senate Committee on Rules or by its authorized representative, from the fund set aside for the pay of officers and employees of the Senate at the rate of compensation certified by the committee or its representative, and the Treasurer is hereby directed to pay the same.

The Secretary of the Senate and the Sergeant-at-Arms shall approve and transmit to the Committee on Rules the claims for their compensation and for the compensation of their respective employees.

10.7. After final adjournment expenditures by the Secretary of the Senate or the Sergeant-at-Arms of the Senate for postage, express, freight charges, or other purposes for which cash payments are necessary, shall be paid from funds allocated to the Senate Committee on Rules for such purposes, subject to approval by the Senate Committee on Rules or its authorized representative. The Controller shall draw warrants on the Contingent Fund of the Senate in favor of the Secretary of the Senate or the Sergeant-at-Arms for such expenditures only in the amount authorized by the Senate Committee on Rules or its authorized representative.

The Secretary of the Senate and the Sergeant-at-Arms shall file with the Committee on Rules or its authorized representative receipts or vouchers covering all expenditures made for such purposes, which shall be transmitted to the Controller by the committee or its authorized representative.

Committees of the Senate

Appointment of Committees

11. The Committee on Rules shall consist of the President pro Tempore of the Senate, who shall be the chairman of the committee, and four other members of the Senate to be elected by the Senate.

The Committee on Rules shall appoint all other committees of the Senate unless otherwise directed by the Senate and shall designate a chairman of each committee so appointed and a vice chairman of each standing committee.

In making committee appointments, the Committee on Rules shall give consideration to seniority, preference, and experience; provided, however, that in making committee appointments, the Rules Committee

shall, so far as practical, give equal representation to all parts of the State.

The Senate Committee on Finance shall consist of four Senate Members of the Legislative Budget Committee and seven additional Members of the Senate appointed by the Committee on Rules.

Ten days before the commencement of any regular session of the Legislature, the Secretary of the Senate shall mail to each member a blank, in a form approved by the Rules Committee, on which the member may indicate his committee preferences and with such blank shall be mailed a stamped envelope addressed to the Rules Committee, care of the Secretary, for the convenience of the member in returning such form with his preferences thereon. All such communications shall be retained by the Secretary unopened and shall be delivered to the Rules Committee immediately upon the organization of the Senate.

Standing Committees

12. The standing committees of the Senate, the number of members, and subjects to be referred to each are as follows:

1. Agriculture, 13 members. All bills amending the Agricultural Code and uncodified legislation relating to the same subject.

2. Business and Professions, 9 members. All bills amending the Business and Professions Code and uncodified legislation relating to the same subjects.

3. Education, 9 members. All bills amending the Education Code or relating to the University of California and any uncodified legislation relating to either.

4. Elections, 9 members. All bills amending the Elections Code or uncodified legislation relating to the same subject and constitutional amendments, after consideration by committees having jurisdiction of the appropriate subjects, for consideration of any question relating to submission to the voters.

5. Finance, 11 members. All appropriation bills including the Budget Bill and claim bills but excepting appropriations from the funds of the Senate made by resolution.

6. Financial Institutions, 9 members. All bills amending the Insurance Code and bills amending the Bank Act, Building and Loan Act, Corporate Securities Act and acts relating to the loan of money and credit unions, and any other legislation relating to these subjects.

7. Fish and Game, 11 members. All bills amending the Fish and Game Code, and uncodified legislation relating to the same subject.

8. Governmental Efficiency, 11 members. All legislation not specifically referred to another committee relating to:

- a. State policy
- b. New state functions
- c. State property
- d. Reorganization
- e. State employees

9. Institutions, 9 members. All bills relating to the State Department of Institutions, or to institutions under its jurisdiction including:

- a. State Hospitals
- b. Home for the Feeble-minded

- c. Inebriate Colonies
 - d. Institutions for Delinquents
 - e. Home for the Blind
 - f. Industrial Workshops
 - g. Any other institutions of a similar nature; and
- All bills relating to the Youth Authority and to institutions under its jurisdiction.

10. Judiciary, 12 members. All bills amending the following codes:

- a. Civil Code
- b. Code of Civil Procedure
- c. Probate Code
- d. Penal Code, and
- e. All statutes of a penal nature not related closely to a subject embraced in some other code.

11. Labor, 7 members. All bills amending the Labor Code and uncodified legislation relating to the same subject.

12. Local Government, 9 members. All bills relating to:

- a. County government
- b. Municipal corporations
- c. Special assessment and other local districts when not regulated by the provisions of some other code and uncodified legislation on the above subjects.

13. Military and Veterans Affairs, 9 members. All bills amending the Military and Veterans Code and uncodified legislation relating to the same subjects.

14. Natural Resources, 9 members. All bills amending the Public Resources Code and uncodified legislation relating to mines and mining, oil, forestry, parks, and to the public domain.

15. Public Health and Safety, 9 members. All bills amending the Health and Safety Code and uncodified legislation relating to the same subjects.

16. Public Utilities, 7 members. All legislation relating to public utilities and their regulation and not embraced within any other code.

17. Revenue and Taxation, 11 members. All bills amending the Revenue and Taxation Code and other uncodified legislation relating to state and county taxes.

18. Rules, 5 members. All proposed amendments to the Rules, and all resolutions relating to the business of the Senate which are not acted upon without reference to committee.

19. Social Welfare, 9 members. All bills relating to the Department of Social Welfare, or to aid to the aged, to the blind, to children, to the unemployed, to the indigent and to other public assistance.

20. Transportation, 13 members. All bills amending the

- a. Vehicle Code
- b. Streets and Highways Code
- c. Harbors and Navigation Code, and
- d. Uncodified legislation relating to the same subjects or to aviation.

21. Water Resources, 9 members. All bills amending the Water Code and uncodified legislation relating to the same subject.

The standing committees of any general session shall be the standing committees of succeeding budget, special or extraordinary sessions unless otherwise ordered by the Senate.

12.5. Each standing committee of the Senate created at a general session is hereby authorized to study and analyze all facts relating to the subjects which would fall within its jurisdiction as indicated by Rule 12 of the Standing Rules of the Senate, including, but not limited to, a needed revision of the laws relating to that subject, and for such purpose shall constitute an investigating committee with power to act during the sessions of the Legislature, including any recess, and after final adjournment, and until the commencement of the next regular general session, with authority to file its report not later than the thirtieth day of said general session.

Each such committee shall have all of the powers conferred upon investigating committees by the Joint Rules of the Senate and Assembly, the provisions of which are incorporated herein and made a part hereof.

No such committee shall exercise the authority herein conferred except when, and to the extent, it is authorized so to do in writing by the Committee on Rules. The Committee on Rules may allocate any money made available to said committee for expenditure on behalf of the committees herein created, and the members thereof, in such manner as the Committee on Rules shall prescribe.

Committee on Rules

13. The Committee on Rules is charged with the general responsibility for the administrative functioning of the Senate. The committee shall have general charge of the books, documents and other papers and property of the Senate and shall see that the same are properly kept, cared for, filed, or otherwise disposed of in accordance with law and the rules applicable thereto. The committee shall also have the duty of making studies and recommendations designed to promote, improve, and expedite the business and procedure of the Senate and of the committees thereof, including investigating committees consisting wholly or in part of Members of the Senate, and of proposing any amendments to the rules deemed necessary to accomplish such purposes.

The Committee on Rules shall continue in existence during any recess of the Legislature and after final adjournment and until the convening of the next regular general session and shall have the same powers and duties as while the Senate is in session. The committee shall have authority to fill vacancies in any Senate committee or in the Senate membership of any joint committee.

In dealing with any matter within its jurisdiction the committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to the Committee on Rules and its members.

The committee may make available to any Senate or joint committee or any Member of the Senate such assistance in connection with the

duties of the committee or other legislative matters as the personnel under the direction of the committee or its other facilities permit.

The committee shall make available to and shall furnish to the Senate investigating committees created at this regular session and to each of the members thereof such secretarial and stenographic help as may be reasonably necessary for such committees and each of the members thereof to make and carry on the studies and investigations required by or of them by the resolutions creating such committees, and for such purpose, in addition to any other power or authority, the Committee on Rules may employ such additional stenographic and secretarial assistants as may be necessary, assign and reassign such assistants, preeribe the amounts, times and methods of payment of their compensation, and provide for the auditing of any and all records and accounts in respect thereto.

The Committee on Rules shall constitute the Committee on Introduction of Bills and shall have charge of engrossment and enrollment of bills, contingent expenses of the Senate and legislative printing except insofar as these functions are delegated to the Secretary of the Senate. The Senate Committee on Rules shall have charge of the attaches unless a Committee on Attaches is appointed.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the direction of the Committee on Rules and the committee may assign the press desks in the Senate Chamber to accredited newspaper representatives.

Executive communication of nominations sent by the Governor to the Senate for confirmation shall be referred to the Committee on Rules, unless otherwise ordered by the Senate, without debate.

13.1. All claims for expenses incurred by interim investigating committees of the Senate shall be approved by the Committee on Rules, or its authorized representative, before such claims are presented to the Controller.

All proposed expenditures, other than expenditures of the funds of an interim investigating committee, shall be approved by the Committee on Rules or its authorized representative before such expenses are incurred, unless such expenditure is specifically exempted from the provisions of this rule by the resolution authorizing it.

No warrant shall be drawn in payment of any claim for expenses until the approval of the Committee on Rules, or its authorized representative, has been obtained in accordance with the provisions of this Rule.

The Committee on Rules may adopt rules and regulations limiting the amount, time, and place of expenses and allowances, exclusive of salary, to be paid to employees of Senate interim investigating committees. Copies of all rules and regulations adopted pursuant to this Rule shall be distributed to the chairman of every such investigating committee.

13.2. Pursuant to the powers vested in the Senate Committee on Rules, and during such times as the Senate is not in session, the committee is authorized and directed to incur and pay such expenses of the Senate not otherwise provided for as the committee determines are reasonably necessary, including the repair, alteration, improvement and equipping of the Senate Chamber and the offices provided for the Senate in the State Capitol.

In order to avoid unanticipated reversions of appropriations for contingent expenses, the Senate Committee on Rules may designate the appropriation from which payment shall be made pursuant to allocations to interim committees or for other purposes. If there should be insufficient money available in any such appropriation to pay all claims pursuant to allocations charged against it, the committee shall designate another appropriation from which such allocations shall be paid.

13.3. The Senate Committee on Rules is responsible for the safe-keeping of Senate property after adjournment of each session until the Senate shall reconvene again. The Chief of the Bureau of Buildings and Grounds is directed to leave the Senate Chamber and all the committee rooms and other rooms used by the Senators and officers of the Senate in such condition that they will be available for use of the Senate at any time; and it is further directed that no persons other than the members, officers and attaches of the Senate be permitted to occupy or use the offices, committee rooms and other rooms now occupied by the Senate without permission as hereinafter provided, and that the desks, furniture, and other equipment of the Senate be at the disposal of the Senate Committee on Rules upon adjournment of each session and until the Senate shall reconvene, and that no person except Members of the Senate be permitted to occupy any of the Senate's offices or make use of Senate equipment without permission of the committee or its authorized representative.

13.4. The Senate Committee on Rules is authorized and directed, through its authorized representative, to make and maintain a complete inventory of all property of the Senate, including all such property in the possession or control of any Senate interim committee. The Committee on Rules shall have custody and control of all such property of the Senate and shall adopt such rules or orders as it may determine are necessary relating to the purchase, care, custody and use or disposal thereof.

No furniture, equipment, or other property, other than supplies, shall be purchased by any Senate interim committee unless prior approval is obtained from the Senate Committee on Rules or its authorized representative.

Status of Standing Rules for Preceding General Session

13.5. The adoption of the Standing Rules for any budget session shall not be construed as modifying or rescinding the Standing Rules of the Senate for the preceding general session, nor as affecting in any way the status or powers of the interim committees created by those Rules.

Schedule of Committee Meetings

14. The Committee on Rules shall propose to the Senate such schedules for regular meetings of the standing committees as will permit a full attendance of their members without conflict of committee engagements.

The committee may also propose such special committee meetings or special schedules of committee meetings as will facilitate the business of the Senate. Such schedules may provide a special schedule of committee meetings or upon certain days of the week or to meet any special condition which may arise.

Quorum of Standing Committees—Vote

15. Each standing committee shall determine (a) its own quorum, and (b) the number of votes necessary to take any action upon any bill, resolution, or other matter referred to it.

The vote by the number of ayes and noes on each bill reported back on all committee reports shall be noted in such reports and recorded in the Journal.

Powers of Standing Committees

16. Each standing committee of the Senate to which a proposed law or bill is assigned shall have full power and authority during the session of the Legislature or any recess thereof, to make such investigation and study of and concerning any such proposed law or bill as such committee shall determine necessary to enable it to properly act thereon.

In the exercise of the power granted by this Rule, each committee may appoint a secretary and adopt such rules as may appear necessary and proper to carry out the powers granted and duties imposed under this Rule. It may employ such clerical, legal and technical assistants as may appear necessary when money has been made available therefor by the Senate.

Each standing committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

The members of such committees are, and each of them is, authorized and empowered to administer oaths, and all of the provisions of Chapter 4 of Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant-at-Arms of the Senate, or other person designated by the Sergeant-at-Arms or by the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so upon a vote of the majority of the membership of the committee.

All officers of this State, including the Legislative Counsel and the heads of each department, agency and subdivision thereof, and all employees of such departments, agencies and subdivisions, and all other persons whether connected with the State Government or not, shall give and furnish to these committees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each standing committee was created.

Each standing committee may meet at the State Capitol and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it and may expend such money as may be made available by the Senate for such purpose; but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Special Investigating Committees

17. Except as provided by these rules, no committee for the investigation of any special subject shall be appointed except pursuant to a

resolution which shall be entered in the Journal and referred to the Committee on Rules, and which shall be approved by a vote of a majority of the members elected to the Senate. The subject and purpose of the investigation shall be expressed in the title of the resolution and the scope of the investigations shall be consistent with the subject and purposes so expressed. No such committee shall have authority to extend its investigations to subjects not so expressed, nor beyond the scope indicated in the resolution. Unless otherwise directed by the resolution any committee so authorized shall be appointed within 20 days after the adoption of the resolution.

Funerals

17.5. The chairman or vice chairman of the Senate Committee on Rules may designate any one or more of the Members of the Senate as the representatives of the Senate to attend funerals in appropriate circumstances. The members so designated shall receive their actual and necessary expenses incurred in the performance of their duties or in lieu of such expenses the same allowances for accommodations and meals, and mileage as is provided by the Joint Rules for members of investigating committees.

The chairman or vice chairman of said Committee on Rules or any Member of the Senate designated by either of said officers may incur such expense as may be necessary for the purchase on behalf of the Senate of suitable floral pieces for any such funeral.

All expenses incurred pursuant to this resolution are hereby ordered to be paid out of the money allocated from the Contingent Fund of the Senate to the said Senate Committee on Rules and disbursed, after certification by the chairman or vice chairman of the committee, or by the committee's disbursing officer appointed and designated therefor by the committee, upon warrants drawn by the State Controller upon the State Treasurer.

No Committee Expenditures Permitted

18. No member of any committee shall be permitted to incur any expense chargeable to the Senate unless authorized by resolution of the Senate.

Procedure and Rules

Joint and Concurrent Resolutions and Constitutional Amendments

19. Joint and concurrent resolutions and constitutional amendments shall be treated the same as bills; except, that they shall have but one official reading, which reading shall occur after they have been reported by committee.

Parliamentary Rules

20. In all cases not provided for by the Constitution, these Rules, or by the Joint Rules of Senate and Assembly the authority shall be Mason's Manual.

Suspension or Amendment of Rules

21. No standing rule of the Senate may be repealed or amended except upon an affirmative vote of a majority of the Members of the Senate, one day's notice being given, but any rule not requiring more than a majority vote may be temporarily suspended by a vote of a majority of the Members of the Senate. A rule requiring a two-thirds vote on

any question may be amended only by a two-thirds vote on one day's notice, and a rule requiring a two-thirds vote may be temporarily suspended only by a two-thirds vote.

All proposed amendments to these rules shall, upon presentation, be referred to the Committee on Rules without debate.

Introduction and Reference of Bills

Introduction, First Reading, and Reference of Bills

22. Any Senator desiring to introduce a bill shall send it to the Senate desk.

The Committee on Rules shall check all Senate bills prior to introduction and all Assembly bills before reference to committee and shall designate the committees to which they shall be referred. The provisions of Rule 12, referring to the assignment of bills are intended as a guide to the committee but are not binding upon the committee.

Under the order of Introduction of Bills, the Secretary shall assign a number to each Senate bill, shall read it the first time, shall read the name of the committee to which the bill has been assigned by the Committee on Rules, and unless otherwise ordered by the Senate without debate the assignment of the bill shall then be complete and after printing the Secretary shall deliver the bills to the committee so designated.

Under the order of Messages from the Assembly the Secretary shall read each Assembly bill the first time, shall read the name of the committee to which the bill has been assigned by the Committee on Rules, and unless otherwise ordered by the Senate without debate the assignment of the bill shall then be complete and the Secretary shall deliver the bill to the committee so designated.

Introduction of Bills by a Committee

23. Any committee may introduce a bill germane to any subject within the proper consideration of such committee in the same manner as any member.

Introduction of Bills at Special Sessions

24. Whenever at any special session a bill is received at the desk, under the order of Introduction of Bills, it shall be referred to the Committee on Rules which shall decide whether or not such bill can properly be considered at the session. If in the judgment of the Committee on Rules such bill can be considered it shall report it back and designate the committee to which it shall be assigned. Thereafter it shall be assigned a number by the Secretary, be read first time, and referred to the committee recommended by the Committee on Rules unless otherwise referred on motion without debate.

Senate Resolutions

25. All Senate resolutions upon being presented shall be given a number by the Secretary. Such resolutions shall be printed in the Journal and indexed in the History and Journal.

Bills in Committee

Committee Hearings

26. During the constitutional recess or as soon thereafter as practicable the chairman of each committee shall prepare a schedule of hearings concerning bills referred to the committee. The schedule shall be arranged according to subjects insofar as may be convenient.

The schedules and any changes therein shall be delivered to the Senate as soon as convenient in order that due notice may be given to persons interested in the legislation.

Substitute Committee Bills

27. A committee may amend into one bill related provisions germane to the subject and embraced within the title; and with the consent of the author the committee may constitute such bill a committee bill by striking out of the heading of the bill the line "Introduced by" and the name of the author and substituting therefor "Substitute committee bill of the Committee on" and the name of the committee.

Recalling a Bill From Committee

28. The Senate may at any time by 21 votes recall a bill from committee.

Consideration of Bills

Order of Making Files

29. When bills are reported from committee they shall be placed upon the General File, to be kept by the Secretary as follows: All bills when reported to the Senate by the committee shall be placed at the foot of the second reading Senate or Assembly file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the Senate or Assembly third reading file, in the order of reading. Unless otherwise ordered by the Senate the File shall be taken up in the following order: Senate second reading file, Assembly second reading file and Senate third reading file, Assembly third reading file. The bills upon third reading shall be considered in the order in which they appear upon the File, unless otherwise ordered by the Senate.

An inactive file shall be kept to which bills may be transferred at the request of the author, or on motion, and they shall be so transferred when they have been passed on third reading file without action three successive times. Bills may be carried on the inactive file by author and bill number without setting forth the title.

Bills may be transferred from the inactive file to the second reading file on motion, and after being read the second time such bills will take their place regularly on third reading file and be available for consideration and passage.

Notices of committee hearings shall be published in the File whenever presented by chairmen of committees to the Secretary for that purpose. For such purpose bills will be identified by subject or by number.

Special Order

30. Any measure or subject may, by vote of a majority of those voting, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

Messages From the Governor or Assembly

31. Messages from the Governor or from the Assembly may be introduced at any stage of business except while a question is being put, while the ayes and noes are being called, or while a Senator is addressing the Senate.

Messages from the Governor or from the Assembly may be considered when indicated in the order of business or at any other time by unanimous consent or upon motion.

Engrossing Bills

32. All Senate bills, constitutional amendments and joint or concurrent resolutions shall be engrossed before final action is taken on them in the Senate. Engrossment shall consist of comparing the printed engrossed bill with the original bill introduced and any amendments adopted to ascertain that it is correct. When a bill is reported correctly engrossed it shall be substituted on the File for the original bill.

Enrolling Bills

33. All Senate bills shall be enrolled immediately following their final passage and receipt from the Assembly. An enrolled copy of every such bill, amendment or resolution shall be printed and examined to ascertain that it is a true and accurate copy of the measure as it was passed. It shall then be authenticated by the signatures of the President or President pro Tempore of the Senate and the Secretary or an Assistant Secretary of the Senate and by the corresponding officers of the Assembly and transmitted without delay to the Governor.

Debate**Statement of Motion**

34. No motion shall be debated until the same be distinctly announced by the President; and it shall be reduced to writing if desired by the President or any Senator, and read by the Secretary, before the same shall be debated.

Regulations as to Speaking

35. 1. When a Senator desires to address the Senate, he shall rise in his place, address the President, and when recognized he may proceed to speak.

2. No Senator shall speak more than twice in any one debate on the same day, and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.

3. When two or more Senators arise at the same time to address the Senate, the presiding officer shall designate the Senator who is entitled to the floor.

4. No Senator shall be interrupted when speaking, and no question shall be asked him except through the presiding officer.

5. The author of a bill, motion, or resolution shall have the privilege of closing the debate.

Order in Debate

36. When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the objectionable language shall immediately be taken down in writing by the Secretary of the Senate.

Right to Address the Senate

37. No person other than a member of the Senate or the President thereof, shall address the Senate while it is in session but the Senate may resolve itself into a Committee of the Whole and while sitting as such committee may be addressed by persons other than members.

Questions and Motions**Amendments to Bills**

38. When amendments to a bill are reported by a committee or offered from the floor, such amendments shall be submitted in triplicate.

Adoption of amendments to any bill in the Senate prior to third reading, other than by roll call, shall not preclude subsequent consideration in committee or on the third reading of the bill, of such amendments or any part thereof, by the Senate.

Motion to Lay on the Table

39. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

Division of a Question

40. If a question in debate contains more than one distinct proposition, any Senator may have the same divided.

The Previous Question

41. The previous question shall be put in the following form: "Shall the question be now put?" It shall require a majority vote of the Senators present; and its effect shall be to put an end to all debate except that the author of the bill or the amendment shall have the right to close, and the question under discussion shall thereupon be immediately put to a vote.

Call of the Senate

42. Upon a motion being carried for a call of the Senate, the President shall immediately order the doors to be closed, and shall direct the Secretary to call the names of the absentees as disclosed by the last previous roll call. Thereupon, no members shall be permitted to leave the Senate Chamber except by written permission of the President pro Tempore or in his absence of the presiding officer. Those members who are found to be absent and for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and then taken into custody by the Sergeant-at-Arms wherever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a roll call of the Senate and compel the attendance of absentees in the manner above provided.

A call of the Senate may be ordered after the roll has been called and prior to the announcement of the vote.

No recess can be taken during a call of the Senate. During a call, the Senate may consider and transact any matter or business that the Senators then present shall unanimously decide to consider, but no call of the Senate shall be had during a call of the Senate, except that during a call which was ordered for the purpose of procuring sufficient attendance for the conduct of business of the Senate in general and not for any other purpose, such call may be made to apply also to not more than one item of business by motion made and adopted by a majority vote of the members present after the roll has been called and prior to the announcement of the vote on such item of business. Under such circumstances, when the call of the Senate is dispensed with as to the item of business to which it is so applied it shall be deemed dispensed with as to the purpose for which it was originally made. When a call of the Senate is ordered, pending the announcement of the vote upon the completion of a roll call, the pending

roll call shall become unfinished business, the consideration of which shall be continued until further proceedings under the call of the Senate are dispensed with, when it will forthwith become the order of business before the Senate.

Reconsideration

43. On the day on which a vote has been taken on any question a motion to reconsider the vote may be made by any member.

The motion may be considered on the day made or on the succeeding legislative day but may not be further postponed without the concurrence of 27 members.

No vote on a Senate bill may be reconsidered on or after the last day fixed for the consideration of Senate bills prior to adjournment and no vote may be reconsidered on the last day of the session.

When reconsideration of the vote by which any bill was passed has been demanded the Secretary shall not transmit it to the Assembly until the demand has been disposed of or the time for reconsideration has expired, but if the bill has already been transmitted to the Assembly the demand for reconsideration shall be preceded by a motion to request the Assembly to return the bill. This motion shall be put to a vote immediately without debate and if not adopted shall preclude a demand for reconsideration.

A demand to reconsider the vote on any debatable question opens the main question to debate and the vote on the reconsideration shall be on the merits of such main question.

Voting by Senate

Voting on Roll Call

44. Whenever a roll call is required by the Constitution or Rules, or is ordered by the Senate or demanded by three members, every member within the Senate shall without debate answer "Aye" or "No" when his name is called.

The names of members shall be called alphabetically.

No Senator shall be permitted to vote or change his vote after the announcement of the vote by the presiding officer.

Excused From Voting

45. When a Senator declines or fails to vote on call of his name he may, after completion of the roll call, and before the announcement of the vote be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which question shall be decided without debate. Unless the Senator is excused from voting he shall be required to vote.

Voting by Presiding Senator

46. When the President pro Tempore or any other Member of the Senate is presiding over the Senate he shall vote on roll call the same as though he were not presiding.

Vote Required

47. Unless otherwise required by the Constitution, the Joint Rules of the Senate and Assembly or by these Rules, any action which can be

taken by the Senate requires only a majority vote of the Senate, a quorum being present.

The following actions require 30 votes:

1. To introduce bills after the constitutional recess—(Constitution, Art. IV, Sec. 2).

The following actions require 27 votes:

2. To pass urgency measures—(Constitution, Art. IV, Sec. 1).
3. To suspend constitutional provision requiring reading bills on three several days—(Constitution, Art. IV, Sec. 15).
4. To pass bills over the Governor's veto—(Constitution, Art. IV, Sec. 16).
5. To increase or diminish the number of superior court judges or to remove judges—(Constitution, Art. VI, Secs. 9, 10).
6. To propose constitutional amendments or revision of the Constitution—(Constitution, Art. XVIII, Secs. 1, 2).
7. To change rate of taxation for state purposes—(Constitution, Art. XIII, Secs. 14, 16).
8. To authorize deposit of public money in banks—(Constitution, Art. XI, Sec. 16½).
9. To remove a member of the Public Utilities Commission—(Constitution, Art. XII, Sec. 22).
10. To change rates or conditions under the State Employees Retirement System—(Constitution, Art. IV, Sec. 22a).
11. To propose change in location of State capital—(Constitution, Art. XX, Sec. 1).
12. To reconsider the vote by which a concurrent resolution proposing a constitutional amendment is defeated.
13. To suspend the Rule against lobbying in the Senate Chamber.
14. To concur in Assembly amendments to or to adopt a report of a Committee on Conference concerning constitutional amendments or bills which require 27 votes for passage.

The following actions require 21 votes:

15. To amend or suspend the Rules.
16. To pass bills, unless under some other Rule a larger vote is required—(Constitution, Art. IV, Sec. 15).
17. To adopt a concurrent resolution approving a county or city charter or amendment thereto—(Constitution, Art. XI, Secs. 7½ and 8).
18. To adopt joint and concurrent resolutions.
19. To reconsider bills, joint and concurrent resolutions.
20. To confirm appointments by the Governor or to reconsider the same.
21. To recall a bill from committee.
22. To concur in Assembly amendments to or to adopt a report of a Committee on Conference concerning concurrent or joint resolutions or bills which require 21 votes for passage.

Actions requiring 14 votes:

23. To reconsider a vote by which a concurrent resolution proposing a constitutional amendment was adopted.

Vote Required for Amendments

48. A constitutional amendment or bill requiring a vote of two-thirds of the members elected to the Senate for final adoption or passage may be amended by a majority of those voting.

Contents of Senate Journal**Proceedings to Be Printed**

49. The proceedings of the Senate, when not acting as a Committee of the Whole, shall be entered in the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

The Journal shall state the name of the Senator presenting each Assembly bill, concurrent or joint resolution or constitutional amendment to the Senate for final action.

Every vote of the Senate shall be recorded in the Journal. The committee vote on each bill reported back by a committee, and if a bill is signed out that fact also shall be recorded in the Journal.

Titles of Bills to Be Printed

50. The titles of all bills, joint and concurrent resolutions, and constitutional amendments when introduced and when acted upon by the Senate, and a brief statement of the contents of each petition, memorial or paper presented to the Senate shall be printed in the Journal.

Other Matter to Be Printed

51. Messages from the Governor (other than biennial messages and inaugural addresses) shall be printed in the Journal, unless otherwise ordered by the Senate.

Letters of transmittal presenting reports of interim committees and reports of such state departments and agencies as shall be made to the Senate pursuant to law or resolutions adopted by the Senate, shall be printed in the Journal, but the reports shall be printed in the Appendix to Journals unless otherwise directed by the Senate.

Legislative Printing**Duty of Secretary to Order Printing**

52. It shall be the duty of the Secretary of the Senate and he is hereby directed during and between sessions of the Legislature to order for the Senate the necessary printing including stationery for the members, and to audit and approve all bills for printing to be charged to the Senate. The Secretary shall order from the State Printer such number of copies of bills, Journals, Histories, Files, forms and other printing as shall be necessary.

It shall further be the duty of the Secretary to order bills and other legislative publications for which there is a demand printed before the supply of same shall become exhausted.

Printing Only on Written Orders; Rush Orders

53. The State Printer shall not charge any printing or other work to the Senate except as required by law unless he has a written order from the Secretary of the Senate prior to the beginning of the printing or other work. All printing ordered by the Secretary shall be delivered as directed by him. The Secretary may, when necessity requires it, order from the State Printer such printing as he deems necessary to be printed in

advance of the regular order of business, under specially prepared written order, to be known as a "Rush Order."

Form of Printing Amendments

54. When any bill of either house is amended it shall be immediately reprinted; new matter shall be printed in italics in the printed bill; and matter to be omitted shall be printed in type bearing a single horizontal line through the center and commonly known as "strikeout" type. When a bill is enrolled, all such italics and "strikeout" type shall be omitted and the bill shall be printed in the usual roman type.

The Senate Chamber

Admission Within Bar to Senate

55. It shall be the duty of the Sergeant-at-Arms to prevent all persons except Senators, ex-Senators, Members of the Assembly, state officers, officers of the two houses, and such accredited newspaper representatives as have seats assigned to them from coming within the bar of the Senate unless upon the invitation of the President or a Senator. No visitor shall be allowed upon the floor while the Senate is in session.

Regulations for Lobbyists

56. All persons appearing, or being, or desiring to appear, or be, at or in the Senate Chamber, or at or in any committee room of the Senate for the purpose of advocating the adoption, or defeat of any bill, measure or resolution, introduced in, pending before, or being considered by the Senate, or by any committee thereof, or for the purpose of soliciting the vote of any Member of the Senate upon any such bill, measure, or resolution, or upon any anticipated or proposed bill, measure, or resolution, shall register with the Sergeant-at-Arms, his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by, or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation or interest, and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this Rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses, and the persons, corporations or interest represented by them, shall be kept, and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

No person shall appear at or enter the Senate Chamber, or any committee room of the Senate, for the purpose of advocating the adoption or defeat of any bill, measure, or resolution, without first having registered and secured the certificate as herein provided.

This Rule shall not apply to members of either house of the Legislature, officers of the State or other public agencies, or citizens of the State of California appearing in their own interest or behalf who are not representing any group, organization or corporation.

No person engaged in presenting to the Senate or any of its committees any business, claim, or legislation, shall be permitted to engage in such business in the Senate Chamber or be permitted on the floor of the Senate at any time while the Senate is in session. Any person transgressing this Rule shall be removed from the floor of the Senate and shall be debarred from the privilege of the floor during the remainder of the entire

session. The President and the President pro Tempore are charged with the enforcement of this Rule, and this Rule cannot be suspended except by a two-thirds vote of the entire Senate.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 12, 1949

MR. PRESIDENT: The Committee on Rules has appointed the following Senators chairmen, vice chairmen, and members of the various standing committees of the Senate.

POWERS, Chairman

Agriculture (13 Members)—

Crittenden (Chairman)	Hulse
Watson (Vice Chairman)	Jespersen
Hatfield	Sutton
Cunningham	Weybret
Abshire	Williams
Desmond	Drobish
Donnelly	

Business and Professions (9 Members)—

Hugh M. Burns (Chairman)	Coombs
Gibson (Vice Chairman)	Judah
Breed	Kraft
Desmond	O'Gara
Dilworth	

Education (9 Members)—

Jespersen (Chairman)	Drobish
Michael J. Burns (Vice Chairman)	Dorsey
Salsman	Miller
Dilworth	Tenney
Donnelly	

Elections (9 Members)—

Weybret (Chairman)	Gibson
Johnson (Vice Chairman)	Rich
Donnelly	Swing
Hugh M. Burns	Abshire
Dorsey	

Finance (11 Members)—

Rich (Chairman)	Hatfield
Hulse (Vice Chairman)	Jespersen
Breed	Judah
Collier	Salsman
Crittenden	Swing
Donnelly	

Financial Institutions (9 Members)—

McBride (Chairman)	O'Gara
Abshire (Vice Chairman)	Parkman
Sutton	Regan
Cunningham	Salsman
Kraft	

Fish and Game (11 Members)—

Hatfield (Chairman)
 Busch (Vice Chairman)
 Watson
 Brown
 Judah
 Keating

Mayo
 Sutton
 Regan
 Weybret
 Williams

Governmental Efficiency (11 Members)—

Swing (Chairman)
 Powers (Vice Chairman)
 Hugh M. Burns
 Collier
 Hatfield
 Keating

Mayo
 McBride
 Parkman
 Rich
 Tenney

Institutions (9 Members)—

Dorsey (Chairman)
 Coombs (Vice Chairman)
 Abshire
 Crittenden
 Drobish

Michael J. Burns
 Watson
 Johnson
 Williams
 Salsman

Judiciary (12 Members)—

Ward (Chairman)
 Keating (Vice Chairman)
 Desmond
 Busch
 Coombs
 Dorsey

O'Gara
 Regan
 Rich
 Salsman
 Swing
 Tenney

Labor (7 Members)—

Judah (Chairman)
 Williams (Vice Chairman)
 Dillinger
 Johnson

Ward
 Weybret
 O'Gara

Local Government (9 Members)—

Cunningham (Chairman)
 Regan (Vice Chairman)
 Coombs
 Ward
 Gibson

Johnson
 Kraft
 Miller
 Mayo

Military and Veterans Affairs (9 Members)—

Sutton (Chairman)
 O'Gara (Vice Chairman)
 Tenney
 Busch
 Dilworth

Dorsey
 Gibson
 Coombs
 Desmond

Natural Resources (9 Members)—

Mayo (Chairman)
 Brown (Vice Chairman)
 Burns, Michael J.
 Miller
 Dillinger

Johnson
 McBride
 Regan
 Cunningham

Public Health and Safety (9 Members)—

Breed (Chairman)
 Drobish (Vice Chairman)
 Kraft
 Burns, Hugh M.
 Parkman

Ward
 Burns, Michael J.
 Miller
 Busch

Public Utilities (7 Members)—

Desmond (Chairman)
 Miller (Vice Chairman)
 Parkman
 Drobish

Keating
 Powers
 Watson

Revenue and Taxation (11 Members)—

Parkman (Chairman)	Burns, Hugh M.
Tenney (Vice Chairman)	Hulse
Brown	McBride
Breed	Swing
Collier	Ward
Crittenden	

Rules (5 Members)—

Powers (Chairman)	Keating
Salsman (Vice Chairman)	Hulse
Brown	

Social Welfare (9 Members)—

Dillinger (Chairman)	Busch
Kraft (Vice Chairman)	Collier
Weybret	Dilworth
Abshire	Watson
Brown	

Transportation (13 Members)—

Collier (Chairman)	Mayo
Dilworth (Vice Chairman)	McBride
Breed	Powers
Dillinger	Tenney
Hatfield	Gibson
Jespersen	Burns, Michael J.
Judah	

Water Resources (9 Members)—

Donnelly (Chairman)	Jespersen
Crittenden (Vice Chairman)	Rich
Hulse	Sutton
Cunningham	Williams
Dillinger	

MR. PRESIDENT: The Committee on Rules announces the following schedule of committee meetings:

POWERS, Chairman

Weekly Committee Schedule

Monday		
Time	Committee	Room
11 a.m.	Water Resources	415
On Adjournment	Natural Resources	415
On Adjournment	Public Utilities	406
8 p.m.	Judiciary	414
8 p.m.	Transportation	406
Tuesday		
9 a.m.	Public Health and Safety	415
11 a.m.	Governmental Efficiency	414
On Adjournment	Fish and Game	414
8 p.m.	Agriculture	406
Wednesday		
9 a.m.	Local Government	406
9 a.m.	Finance	414
11 a.m.	Financial Institutions	415
On Adjournment	Military and Veterans Affairs	406
8 p.m.	Judiciary	414
8 p.m.	Social Welfare	415
Thursday		
9 a.m.	Labor	406
11 a.m.	Business and Professions	414
8 p.m.	Governmental Efficiency	414
8 p.m.	Education	406
Friday		
9 a.m.	Revenue and Taxation	406
10 a.m.	Institutions	414
11 a.m.	Elections	415

On call of Chairman—Committee on Rules

RESOLUTIONS

The following resolutions were offered :

By Committee on Rules:

Senate Resolution No. 25

Resolved, That the Secretary of the Senate be and he is hereby directed to order for such Members of the Senate as require the same, sets of Deering's Codes and General Laws, and copies of the Larmac Index with latest supplements.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson and Weybret—35.

NOES—None.

By Senator Brown:

Senate Resolution No. 26

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law with the compensation set opposite their names, payable weekly seven days per week, beginning Monday, January 3, 1949, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the respective amounts, and the Treasurer is hereby directed to pay the same.

Officers and Attaches of the Senate—Session of 1949

Name	Position	Per diem
Cleve Taylor	Chief Assistant Secretary	\$15 00
Pat Rollins	Assistant Secretary	12 00
Buster Peart	Assistant Secretary	12 00
George Spaulding	History Clerk	12 00
Vince Sempronio	Assistant History Clerk	10 00
Laura D. Prentice	Engrossing and Enrolling Clerk	12 00
N. L. Levering	Journal Clerk	12 00
Morgan Flagg	Assistant-at-Desk	10 00
Muriel Sullivan	Assistant-at-Desk	10 00
Marjorie Bailey	Assistant-at-Desk	10 00
Thomas A. Wright	Chief Assistant Sergeant-at-Arms	12 00
A. P. Bellisle	Bookkeeper to Sergeant-at-Arms	12 00
Margaret Sweeny	Chief Stenographer	11 00
Howard Johnson	Assistant-at-Desk	10 00
Mabel A. Miller	Assistant Journal Clerk	10 00
Jacqueline Anderson	Assistant Engrossing and Enrolling Clerk	10 00
Norva Costello	Assistant Engrossing and Enrolling Clerk	10 00
Winifred Dryden	Stenographer	10 00
H. B. Thomas	Assistant Engrossing and Enrolling Clerk	10 00
Mildred Willard	Assistant Journal Clerk	10 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Watson asked for, and was granted, unanimous consent to take up Senate Resolution No. 27, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 27

Senate Resolution No. 27

Relative to the continuance of the Senate Interim Committee on Fish and Game

Resolved by the Senate of the State of California, As follows:

1. The Senate Interim Committee on Fish and Game, created by Senate Resolution No. 108 of the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, and to file a final report not later than the final legislative day.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of one thousand eight hundred dollars and eighty-three cents (\$1,800.83) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate, for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, and Williams—37.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Parkman asked for, and was granted, unanimous consent to take up Senate Resolution No. 28, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 28

Senate Resolution No. 28

Relative to the continuance of the Senate Interim Committee on Horse Racing

Resolved by the Senate of the State of California, As follows:

1. The Senate Interim Committee on Horse Racing created by Senate Resolution No. 128 of the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, with authority to file a final report not later than the final legislative day.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of four thousand one hundred eleven dollars and fourteen cents (\$4,111.14) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman

of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, and Williams—34.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 153: By Senator Tenney—An act to authorize counties to establish and maintain retirement, disability and death benefit plans for peace officers, foresters, fire wardens and firemen; to permit the inclusion therein of city police officers and city firemen; to authorize the levy of taxes by such counties and cities to fund the county and city's share of the cost and expense of such plan; and in connection therewith, to add Chapter 6 to Part 3, Title 3, Division 4 of the Government Code.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 154: By Senator Dilworth—An act to add Article 4, comprising Section 275 to 275.6, inclusive, to Chapter 3, Part 1, Division 2 of the Military and Veterans Code, relating to educational privileges of members of the National Guard.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 155: By Senator Johnson—An act to provide for leasing adequate facilities and service for the extension, maintenance, and operation of teletypewriter system of communication by the State Department of Justice, and to make an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 156: By Senator Jespersen—An act to amend Sections 26451 and 26453 of the Health and Safety Code, relating to packages of or packaged or enclosed food.

Referred to Committee on Public Health and Safety.

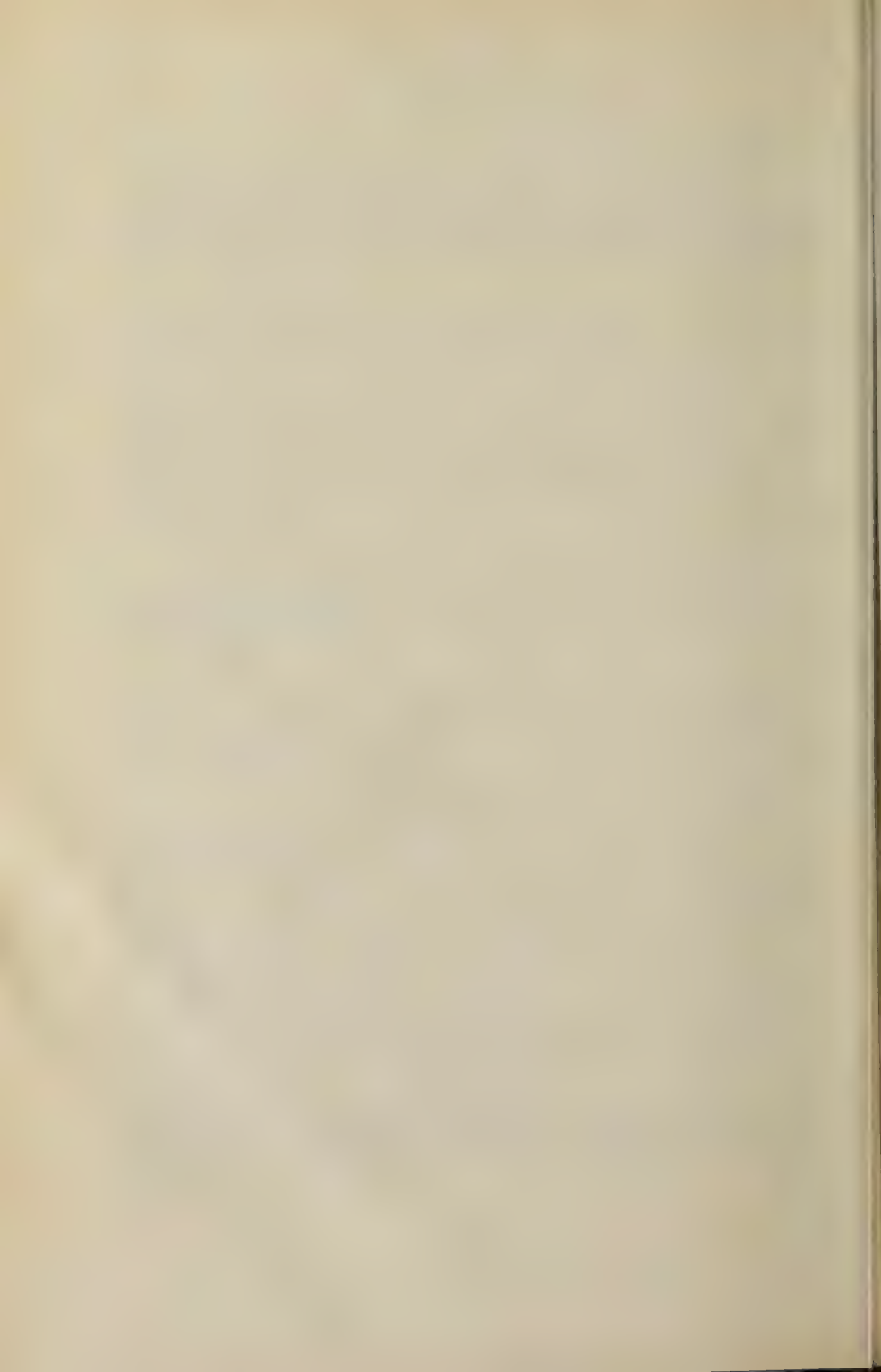
Senate Bill No. 157: By Senators Salsman, Jespersen, and Dillinger—An act to create and provide for a prepaid health service system for the people of the State of California and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

ADJOURNMENT

At 11.45 a.m., on motion of Senator Powers, the President declared the Senate adjourned until 11 a.m., Thursday, January 13, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

NINTH LEGISLATIVE DAY
ELEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, January 13, 1949

The Senate met at 11 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Tenney, on motion of Senator Powers, due to legislative business.

Senator Judah, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Honorable Alfred W. Robertson of Santa Barbara.

On request of Senator Weybret, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Wineman of Pacific Grove and Mr. Estill, George Clemens and Robert Johnson of Monterey.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry Kessler of Palo Alto.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Kenneth H. Smith.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to V. W. Grubbs and Charles B. O'Neill of Riverside.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Teall Messer of San Francisco.

Chief Assistant Secretary Cleve V. Taylor at the Desk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 12, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Joint Resolution No. 2

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, January 12, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 8—Approving certain amendments to the charter of the County of Butte, State of California, voted for and ratified by the qualified electors of said county at a special election held on the first day of June, 1948;

Senate Concurrent Resolution No. 9—Approving a certain amendment to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at a special election held therein on the second day of November, 1948;

Senate Concurrent Resolution No. 10—Approving an amendment to the charter of the City of Riverside, a municipal corporation in the County of Riverside, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the sixteenth day of November, 1948;

Senate Concurrent Resolution No. 11—Relative to approving amendments to the charter of the City of Roseville, a municipal corporation in the County of Placer, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the thirteenth day of April, 1948;

Senate Concurrent Resolution No. 12—Approving certain amendments to the charter of the County of San Diego, State of California, submitted to, voted for and ratified by the qualified electors of said county at a general election held therein on the second day of November, 1948;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the twelfth day of January, 1949, at 12 m.

POWERS, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, January 13, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 83

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; noes 0; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 13, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 27
Senate Bill No. 100
Senate Bill No. 101

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; noes 0; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolutions were offered:

By Senator Ward:

Senate Resolution No. 29

Relative to the continuance of the Senate Interim Committee on
Workmen's Compensation Benefits

Resolved by the Senate of the State of California, As follows:

1. The Senate Interim Committee on Workmen's Compensation Benefits created by Senate Resolution No. 125 of the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, and to file a final report not later than the final legislative day.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of seven thousand fifty-seven dollars and eighty-seven cents (\$7,057.87) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

CONSIDERATION OF DAILY FILE THIRD READING OF SENATE BILLS

Senate Joint Resolution No. 2—Relative to Big Oak Flat Road.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jepsen, Johnson, Mayo, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Watson, Weybret, and Williams—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

LETTER OF TRANSMITTAL

PUBLIC UTILITIES COMMISSION, STATE OF CALIFORNIA
SAN FRANCISCO, January 3, 1949
File No. S-685

*Mr. Joseph A. Beek, Secretary of the Senate,
State Capitol, Sacramento 14, California*

DEAR MR. BEEK: Pursuant to Senate Resolution No. 32 of March 22, 1948, the Public Utilities Commission takes pleasure in transmitting to you for submittal to the Senate a report on "Northern California Generating Facilities."

Respectfully submitted,

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA
By R. J. PAJALICH, Secretary

Letter of Transmittal ordered printed in the Journal and the report ordered printed in the appendix to the Journal.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 16: By Senator Williams—Relative to honoring Robert Mathias.

Request for Unanimous Consent

Senator Williams asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 16, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 16

Senate Concurrent Resolution No. 16—Relative to honoring Robert Mathias.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 158: By Senator Jespersen—An act to amend Sections 12023 and 12024 of the Business and Professions Code, relating to weights and measures.

Referred to Committee on Business and Professions.

Senate Bill No. 159: By Senator Jespersen—An act to add Section 387 to the Agricultural Code, relating to care of dairy cows offered for sale.

Referred to Committee on Agriculture.

Senate Bill No. 160: By Senator Mayo—An act to add Sections 4941.1 and 4941.2 to, and to amend Section 4951 of, the Education Code, relating to unified school districts.

Referred to Committee on Education.

Senate Bill No. 161: By Senator Parkman—An act to add Section 369 to the Education Code, relating to the retirement of county superintendents of schools.

Referred to Committee on Education.

Senate Bill No. 162: By Senator Dilworth—An act to amend Section 2540 of the Elections Code, relating to parties qualified to participate in a primary election.

Referred to Committee on Elections.

Senate Bill No. 163: By Senator Dilworth—An act to add Section 66k to the Code of Civil Procedure, relating to the number of judges of the Superior Court in the County of Riverside and providing for the appointment of an additional judge and for his compensation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 164: By Senator Watson—An act to amend Section 4730 of the Health and Safety Code, relating to county sanitation districts.

Referred to Committee on Local Government.

Senate Bill No. 165: By Senator Watson—An act to add Section 2.2 to the Orange County Flood Control Act, relating to the powers of the Orange County Flood Control District.

Referred to Committee on Water Resources.

Senate Bill No. 166: By Senator Watson—An act to add Sections 16439 and 16440 to the Education Code, relating to safety guards in the public schools.

Referred to Committee on Education.

Senate Bill No. 167: By Senator Rich—An act to provide for reversion of unexpended balance in the Vocational Rehabilitation Fund.

Referred to Committee on Finance.

Senate Bill No. 168: By Senator Mayo—An act to amend Sections 56 and 61 of the Alcoholic Beverage Control Act, relating to alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 169: By Senator O'Gara—An act to amend Section 2 of an act entitled "An act limiting the liability of supervisors, city trustees, city councils, boards of education and school trustees, and making counties, municipalities and school districts liable for the negligence of their respective officers in certain instances and providing for the payment of costs and actions in certain instances," (Statutes of 1923, approved June 13, 1923), to exclude liability in cases of defective sidewalk areas.

Referred to Committee on Local Government.

Senate Bill No. 170: By Senator Tenney—An act to amend Section 7e of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to the office of secretary and jury commissioner in municipal courts in cities of the first and one-half class.

Referred to Committee on Local Government.

Senate Bill No. 171: By Senator Tenney—An act to amend Section 25a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to powers and duties of marshals in municipal courts.

Referred to Committee on Local Government.

Senate Bill No. 172: By Senator Tenney—An act to amend Section 7e of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to commissioners in municipal courts in cities of the first and one-half class.

Referred to Committee on Local Government.

Senate Bill No. 173: By Senator Tenney—An act to amend Section 7b of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to deputy marshals and attaches in municipal courts in cities of the first and one-half class.

Referred to Committee on Local Government.

Senate Bill No. 174: By Senator Tenney—An act to amend Section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to judges and attaches in municipal courts of cities of the first and one-half class.

Referred to Committee on Local Government.

Senate Bill No. 175: By Senator Tenney—An act to amend Section 7a of an act entitled "An act authorizing the establishment of

municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to attaches in municipal courts in cities of the first and one-half class.

Referred to Committee on Local Government.

Senate Bill No. 176: By Senator Tenney—An act to amend Section 19a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to emergency employees in municipal courts.

Referred to Committee on Local Government.

Senate Bill No. 177: By Senator Tenney—An act to amend Section 12 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to residential qualifications of attaches of municipal courts.

Referred to Committee on Local Government.

Senate Bill No. 178: By Senator Tenney—An act to add Chapter 1.5, comprising Sections 139.200 to 139.214 inclusive, to Division 2A of, and to amend Sections 139.04 and 139.11 of the Vehicle Code, relating to the Department of California Highway Patrol and the Highway Patrol Board.

Referred to Committee on Transportation.

Senate Bill No. 179: By Senator Tenney—An act allocating the performance of certain activities between cities and counties and providing for taxation in connection therewith.

Referred to Committee on Local Government.

Senate Bill No. 180: By Senator Tenney—An act to amend Section 14472 of the Education Code, relating to retirement credit of substitute and part-time school employees.

Referred to Committee on Education.

Senate Bill No. 181: By Senator Tenney—An act to amend Section 14452 of the Education Code, relating to credit for service in the California State Teachers' Retirement System.

Referred to Committee on Education.

Senate Bill No. 182: By Senator Tenney—An act to add Section 1292 to the Military and Veterans Code, relating to war veterans' organization and making an appropriation.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 183: By Senator Tenney—An act to add Section 6062.5 to, and to amend Section 6063 of, the Business and Professions Code, relating to bar examinations.

Referred to Committee on Judiciary.

Senate Bill No. 184: By Senator Tenney—An act to amend Sections 460 and 464 of the Penal Code, relating to burglary of the first degree and burglary with explosives.

Referred to Committee on Judiciary.

Senate Bill No. 185: By Senator Tenney—An act to add Chapters 3 and 4 to Part 2, Division 2 of the Military and Veterans Code, relating to the creation and organization of a security force and a reserve force, the authority for the organization of military forces when the National Guard is absent in federal service or Congress has consented thereto, the rules and regulations for the government of such forces and reserves, the pay, allowances, expenses, supply, equipment, maintenance, training, discipline and administration of such security and reserve forces, the use of armories and buildings, the use of the forces without the State, the authority to use the forces of other states within this State, federal service, civil groups, disqualifications, oaths of office, Articles of War, freedom from arrest, jury duty, unemployment, exemption from civil service, workmen's compensation, removal from service and the employment of such forces in the service of the State.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 186: By Senator Dillinger—An act to add Chapter 8.5, comprising Sections 1141 to 1146, inclusive, to Part 3 of Division 2 of the Labor Code, relating to mediation and publication of labor disputes.

Referred to Committee on Labor.

Senate Bill No. 187: By Senator Dillinger—An act to amend Section 13424 of the Education Code, relating to the attendance of teachers upon institutes.

Referred to Committee on Education.

Senate Bill No. 188: By Senator Dillinger—An act to amend Sections 3823, 3827, 3828, 3829, 3878, 3922, 3944, 5707, 5710, 5711, 5712, 5713, 5803, 5807, and 5809 of, and to add Section 2458.5 to, the Elections Code, relating to elections, including provisions for marking of ballots.

Referred to Committee on Elections.

Senate Bill No. 189: By Senator Dillinger—An act to amend Sections 2453, 2454, 2600, 2621, 2626, 2627, 2628, 2629, 2633, 2670, 2742, 2840, 2841, 2893, 2897, and the article heading of Article 4 of Chapter 2 of Division 5, and to repeal Sections 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620,

2622, 2623, 2624, 2625, 2630, 2631, and 2632 of the Elections Code, relating to sponsor certificates and verification deputies.

Referred to Committee on Elections.

Senate Bill No. 190: By Senator Dillinger—An act to add Section 132.5 and 5931.5 to the Elections Code, relating to absentee registration and voting of members of the armed forces of the United States, or any auxiliary branch thereof.

Referred to Committee on Elections.

Senate Bill No. 191: By Senator Dillinger—An act to amend Sections 2896, 2897, 2898, 5713, 5901, 5911, 5931, 5932, 6550, and 7003, to add Sections 6602, 7103.5, 7133.5, 7208.5, and 7208.7 and Article 10.5, consisting of Sections 6525 to 6534, inclusive, to Chapter 6 of Division 8 and Article 1.5, consisting of Sections 7031 to 7038, inclusive, to Chapter 1 of Division 9, and to repeal Article 3a of Chapter 5 of Division 8 and Chapter 6, consisting of Sections 7791.5 to 7880, inclusive, of Division 9, all of the Elections Code, relating to elections, including provision relating to ballots and absent voting.

Referred to Committee on Elections.

Senate Bill No. 192: By Senators Tenney, Hugh M. Burns, and Jespersen—An act to repeal Part 4 of Division 2 of the Revenue and Taxation Code, relating to the motor vehicles transportation license tax, and providing that this act shall take effect immediately.

Referred to Committee on Transportation.

Senate Bill No. 193: By Senator Dillinger—An act making an appropriation to the California Centennials Commission for a museum and an amphitheater.

Referred to Committee on Finance.

Senate Bill No. 194: By Senators O'Gara, Breed, Coombs, Salsman, Keating, Parkman, Gibson, and Miller—An act to provide for the incorporation and government of Metropolitan Rapid Transit Districts; prescribing the powers thereof, and providing for the performance of certain functions relating thereto by officers of counties and cities and counties, and relating to rail, monorail, and subway transportation in metropolitan areas.

Referred to Committee on Local Government.

Senate Bill No. 195: By Senator Drobish—An act to amend Section 28127 of the Government Code, relating to compensation for public service in counties of the twenty-seventh class.

Referred to Committee on Local Government.

Senate Bill No. 196: By Senator Dorsey—An act adopting and authorizing a plan for the control and utilization of flood waters of Caliente, Sycamore, Little Sycamore, Comanche and Tejon Creeks in Kern County and making an appropriation therefor.

Referred to Committee on Water Resources.

Senate Bill No. 197: By Senator Dorsey—An act to amend Section 694 of the Code of Civil Procedure, relating to sales of real and personal property under execution.

Referred to Committee on Judiciary.

Senate Bill No. 198: By Senators Regan and Hulse—An act to add Chapter 3 to Part 8, Division 1 of the Revenue and Taxation Code, relating to the distribution of property tax levies and collections on the secured roll.

Referred to Committee on Local Government.

Senate Bill No. 199: By Senator Dorsey—An act to amend Section 16 of the Corporate Securities Act and to amend Section 26100 of the Corporations Code, relating to voidable securities.

Referred to Committee on Financial Institutions.

Senate Bill No. 200: By Senator Coombs—An act providing for survey of the Putah Creek watershed and making an appropriation to the Water Resources Board therefor.

Referred to Committee on Water Resources.

Senate Bill No. 201: By Senator Ward—An act to amend Section 607 of the Code of Civil Procedure, relating to the order of trial in civil actions.

Referred to Committee on Judiciary.

Senate Bill No. 202: By Senator Ward—An act to amend Section 1530a of the Probate Code, relating to compromise of claim or demand by guardian.

Referred to Committee on Judiciary.

Senate Bill No. 203: By Senator Tenney—An act to safeguard the public health, to regulate the use of X-rays and X-ray appliances in connection with the diagnosis and treatment of human ailments and to regulate the use, ownership, and possession of X-ray appliances for said purposes; providing for the licensing of persons operating X-ray appliances and laboratories, declaring the treatment of human ailments by means of X-rays to constitute the practice of medicine, prescribing penalties for violation of the act; declaring the possession, maintenance or operation of X-ray appliances in violation of the provisions of the act to constitute a public nuisance, and otherwise providing for the enforcement of the act.

Referred to Committee on Public Health and Safety.

Senate Bill No. 204: By Senator McBride—An act to add Sections 31553.5 and 31648.5 to the Government Code, relating to the membership of elective officers in county retirement associations, and to the rights and privileges of such members.

Referred to Committee on Local Government.

Senate Bill No. 205: By Senator Desmond—An act to add Section 974 to the Municipal Utility District Act, relating to municipal utility districts.

Referred to Committee on Public Utilities.

Senate Bill No. 206: By Senator Desmond—An act to amend Section 464 of the Agricultural Code, relating to the serving of market milk.
Referred to Committee on Agriculture.

Senate Bill No. 207: By Senator Desmond—An act to add Section 66n to the Code of Civil Procedure and to repeal an act entitled "An act to increase the number of judges of the superior court of the State of California, in and for the County of Sacramento, to provide for the appointment of an additional judge and for his compensation," approved June 16, 1923, relating to the number of judges of the superior court in the County of Sacramento, and providing for the appointment of an additional judge and for his compensation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 208: By Senator Desmond—An act to amend Sections 1305 and 1306 of the Penal Code, relating to bail.

Referred to Committee on Judiciary.

Senate Bill No. 209: By Senator Desmond—An act to amend Sections 629 and 659 of the Code of Civil Procedure, relating to judgment notwithstanding the verdict and motions for new trial.

Referred to Committee on Judiciary.

Senate Bill No. 210: By Senator Desmond—An act to amend Section 423 of the Probate Code, relating to the administration of estates of decedents.

Referred to Committee on Judiciary.

Senate Bill No. 211: By Senators Miller and O'Gara—An act to amend Section 7 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 212: By Senators Miller and O'Gara—An act to amend Section 54 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 213: By Senators Miller and O'Gara—An act to amend Section 205 of the Unemployment Insurance Act, dealing with disability insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 214: By Senators Miller and O'Gara—An act to amend Section 57 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Constitutional Amendment No. 5: By Senators Dilworth, Sutton, Williams, Parkman, Watson, Judah, Weybret, Hulse, Rich, Brown, McBride, Hatfield, Powers, and Collier—A resolution to propose to the people of the State of California to amend Sections 2, 34, and 34a, of Article IV of the Constitution of said State, relating to the Legislature.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 6: By Senator Mayo—Proposed amendment to Article XXIV, Section 4, of the Constitution, relative to exemptions from state civil service.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 7: By Senators Mayo, Breed, McBride, and Salsman—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 23c to Article IV thereof, relating to the compensation of Members of the Legislature.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 8: By Senators Mayo, Hulse, Hatfield, and Rich—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article IV thereof, relating to initiative measures.

Referred to Committee on Governmental Efficiency.

Senate Concurrent Resolution No. 18: By Senators Tenney, Hugh M. Burns, and Jespersen—Relative to the lowering of rates by highway carriers.

Referred to Committee on Transportation.

RESOLUTIONS

The following resolutions were offered:

By Committee on Rules:

Senate Resolution No. 30

Resolved, That the schedule of salaries of the statutory officers of the Senate for the 1949 Regular Session of the Legislature be the same as that adopted for the Fifty-sixth Session of the Legislature set forth in Senate Resolution No. 13 of said session.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—32.

NOES—None.

By Senator Brown:

Senate Resolution No. 31

Relative to the continuance of the Senate Committee on Local Governmental Agencies

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Local Governmental Agencies created by Senate Resolution No. 121 of the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, and to file a final report not later than the last legislative day.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of two thousand one hundred thirty-one dollars and ninety-one cents (\$2,131.91) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, JANUARY 13, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Senate Resolution No. 12

Senate Resolution No. 18

Senate Resolution No. 13

Senate Resolution No. 20

Senate Resolution No. 16

Senate Resolution No. 22

Senate Resolution No. 17

Senate Resolution No. 23

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; noes 0; absent 1.

POWERS, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator O'Gara asked for, and was granted, unanimous consent to take up Senate Resolution No. 12, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 12

Senate Resolution No. 12

Relative to the continuance of the Senate Interim Committee on Community Redevelopment Problems and the Housing Emergency, with particular reference to Veterans' Housing

Resolved by the Senate of the State of California:

1. The Senate Interim Committee on Community Redevelopment Problems and the Housing Emergency, with particular reference to Veterans' Housing, created by Senate Resolution No. 118 at the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of one thousand nine hundred fourteen dollars and seventy-six cents (\$1,914.76) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—35.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator O'Gara asked for, and was granted, unanimous consent to take up Senate Resolution No. 13, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 13**Senate Resolution No. 13**

Relative to the continuance of the Senate Interim Committee on Harbors

Resolved by the Senate of the State of California:

1. The Senate Interim Committee on Harbors created by Senate Resolution No. 119, of the 1947 Regular Session, is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of seven hundred fifty-nine dollars and seventy cents (\$759.70) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—33.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Dilworth asked for, and was granted, unanimous consent to take up Senate Resolution No. 16, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 16**Senate Resolution No. 16**

Relative to the continuance of the Senate Investigating Committee on Education

Resolved by the Senate of the State of California, As follows:

1. The Senate Investigating Committee on Education created by Senate Resolution No. 71, and continued as an interim committee by Senate Resolution No. 114, both of the 1947 Session, is continued as a Senate committee at this session, with the membership and with all the rights, powers, and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of seven thousand five hundred sixty-eight dollars and seventy-two cents (\$7,568.72), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the

chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—34.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Mayo asked for, and was granted, unanimous consent to take up Senate Resolution No. 17, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 17

Senate Resolution No. 17

Relative to the continuance of the Senate Committee on Interstate Cooperation

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Interstate Cooperation, created by Senate Resolution No. 110 of the 1947 Session, is continued as a Senate Committee at this session, with the membership and with all the rights, powers, and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of five thousand four hundred ninety-seven dollars and twenty-five cents (\$5,497.25) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, and Williams—31.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Mayo asked for, and was granted, unanimous consent to take up Senate Resolution No. 18, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 18

Senate Resolution No. 18

Relative to the continuance of the Senate Interim Committee on Postwar Construction

Resolved by the Senate of the State of California, As follows:

1. The Senate Interim Committee on Postwar Construction, created by Senate Resolution No. 115 of the 1947 Session, is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of two thousand one hundred eighty-six dollars and fifty-five cents (\$2,186.55) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulce, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, and Weybret—35.

NOES—None.

MOTION TO RE-REFER SENATE RESOLUTION NO. 20

Senator Kraft moved that Senate Resolution No. 20 be re-referred to Committee on Rules.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to take up Senate Resolution No. 22, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 22

Senate Resolution No. 22

Relative to continuance of the Senate Committee on Recreation and Wildlife Conservation

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Recreation and Wildlife Conservation, created by Senate Resolution No. 127 of the 1947 Session, is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of five thousand six hundred sixty-six dollars and ninety-seven cents (\$5,666.97) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly,

Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—35.
NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to take up Senate Resolution No. 23, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 23

Senate Resolution No. 23

Relative to the continuance of the Senate Interim Committee on Livestock Diseases

Resolved by the Senate of the State of California, As follows:

1. The Senate Interim Committee on Livestock Diseases created by Senate Resolution No. 145 of the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment.

3. The committee is specifically authorized and directed to appear before any congressional committee dealing with livestock diseases and related problems, wherever such congressional committee may meet, and to present to such congressional committee the findings of, and evidence secured by the Senate Committee on Livestock Diseases, and to ascertain what, if any, congressional action may be taken with respect to the control of such livestock diseases.

4. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

5. The sum of one thousand three hundred fifteen dollars and sixty cents (\$1,315.60) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—33.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 13, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 15

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 5; committee vote: Ayes 4; noes 0; absent 1.

POWERS, Chairman

Above reported resolution ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Senator Keating:

Senate Resolution No. 32

Relative to the continuance of the Senate Committee on Governmental Reorganization

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Governmental Reorganization created by Senate Resolution No. 137 of the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, and to file a final report not later than the last legislative day.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of _____ dollars (\$_____) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 13, 1949

MR. PRESIDENT: The Committee on Rules makes the following suggestions for committee organization:

Suggestions for Committee Organization

The officers of this committee shall be a chairman, vice chairman, and secretary.

The chairman shall preside at meetings when present and when absent the vice chairman shall preside.

The secretary shall keep a complete record of the meetings and of action taken by the committee.

The committee shall meet in regular session, in Room _____, on _____ and _____ of each week, at the hour of _____. Adjourned meetings or special meetings shall be held at the time fixed in the adjourning motion or on the call for the special meeting.

Special meetings may be called by the chairman by giving at least three hours' notice, specifying the purpose of the meeting and the time and place thereof and the matters to be considered at such special meeting, and no bill or other formal matter shall be considered at such meeting other than those specified in the notice.

_____ members shall constitute a quorum and no bill shall be voted out of committee except on the affirmative vote of _____ members.

No bill shall be signed out of committee.

The chairman shall arrange the calendar for the various meetings and shall set bills to be heard at the various meetings and give notice thereof. No bills except those on the calendar shall be considered at any meeting except with the unanimous consent of those present. The calendar shall be made up at least twelve (12) hours before time of meeting. Notice of hearing of bills shall be given the author and such other persons requesting notice in writing. Bills will not be considered in the absence of the author without his consent. All bills shall be carefully considered and all controversial measures shall be fully and completely heard in such manner and at such time as the committee shall determine.

In controversial matters it might be advisable for the committee to take action in executive session.

Any bill laid upon the table shall not be removed unless one day's notice of intention to remove the same from the table shall have been first given. Reconsideration of the vote by which a bill is voted out, tabled or defeated, may be made at the same meeting or at a subsequent meeting upon at least one day's notice, in writing, to the

chairman of the committee and no motion to reconsider a vote or to take it to the table at a subsequent meeting shall be considered unless one day's notice of intention to make such motion shall have been given.

The chairman shall direct the order of presentation of the arguments for and against matters for consideration by the committee and shall permit questions to be asked by the various members of the committee, in an orderly fashion and in keeping with proper decorum.

It shall be the duty of the Sergeant-at-Arms, or an Assistant Sergeant-at-Arms, to be present and maintain order during meetings of the committee.

Bills favorably acted upon shall be reported to the Senate as expeditiously as the reports can be prepared.

POWERS, Chairman

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 17: By Senator Crittenden—
Relative to the continuance of the Joint Committee on Water Problems.

Request for Unanimous Consent

Senator Crittenden asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 17, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 17

Senate Concurrent Resolution No. 17—Relative to the continuance of the Joint Committee on Water Problems.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Donnelly, Dorsey, Drabish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Ward, Watson, and Williams—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

Request for Unanimous Consent

Senator Hatfield asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 15, at this time, for consideration of committee amendments.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 15

Senate Concurrent Resolution No. 15—Relative to the continuance of the Joint Legislative Committee on Agriculture and Livestock Problems.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1 of the printed measure, between lines 21 and 22, insert

"4. The committee, and any subcommittee it may appoint is authorized to travel within or outside of this State and the United States in pursuing the investigation committed to it."

Amendment No. 2

On page 1 of the printed measure, strike out all of line 22, and insert "5. The sum of fifteen thousand nine hundred ninety two dollars and ninety-six cents (\$15,992.96) or so much".

Amendments read and adopted.

Resolution ordered printed, and to third reading.

ADJOURNMENT

At 12 m., on motion of Senator Powers, the President declared the Senate adjourned until 10.30 a.m., Friday, January 14, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

TENTH LEGISLATIVE DAY
TWELFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, January 14, 1949

The Senate met at 10.30 a.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, and Watson—33.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Regan, on motion of Senator Salsman, due to legislative business.

Senator Weybret, on motion of Senator Salsman, due to legislative business.

Senator Williams, on motion of Senator Salsman, due to legislative business.

Senator Mayo, on motion of Senator Salsman, due to legislative business.

Senator Tenney, on motion of Senator Salsman, due to legislative business.

Senator McBride, on motion of Senator Salsman, due to legislative business.

Senator Ward, on motion of Senator Keating, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Vern Summers, District Attorney, Bridgeport.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sheriff and Mrs. Orvie Clyde.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edmund G. Brown, District Attorney, San Francisco.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dana Houston, Danny Crawford, Owen Roberts, Ernie Arter, Johnny Fry, and Dick Richards of Los Angeles.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Helen M. Virga and Mrs. Lora Marie Bennett of Sacramento.

On request of Senators Parkman and Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. J. C. Petersen of Copenhagen, Denmark.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following students of the Burlingame High School: Paul Crook, Barbara Kellenberg, Lawrence Laubscher, Marilyn Matre, Joy Peterson, Lois Raisin, Bob Schoepner, Nancy Sigler, Diane Smith, Barbara Tindell, Bob Etter, Jacqueline Margetts, Frances Domini, Warren Landweer, Norton Pearl, Gretchen Umland, Douglas Morgan, Don Simonson, Dwight Allen, Phyllis Agorastos, Bill Beeman, Marion Cordes, Barbara Clark, Barbara Eppinger, Phill Forest, Laurel Hansen, Patricia Hueck, Carol Molinary, James Miller, Jim Love, Ian Paterson, Betty Phillips, Clifford Simms, Jack Ueberoth, Larry Wells, Richard Whitsel, Dick Witter, and Dianna White.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 150

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 19

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 150—An act to amend Sections 122, 230, 2571, 5620, and 5623 of the Elections Code, Sections 1810, 1812, 1824, 22376,

22378, and 22692 of the Education Code, and Sections 34324 and 34051 of the Government Code, relating to registration and residence of electors, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Concurrent Resolution No. 19—Relating to summary statement of fixed charges in annual state budgets.

Referred to Committee on Governmental Efficiency.

Chief Assistant Secretary Cleve V. Taylor at the Desk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 13, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Joint Resolution No. 1—Relative to memorializing the President and the Congress of the United States in relation to the establishment of a support price for black-eyed beans;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the thirteenth day of January, 1949, at 3 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, January 14, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 15

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, January 14, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Senate Resolution No. 20

Senate Resolution No. 31

Senate Resolution No. 29

Senate Resolution No. 32

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported resolutions ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Kraft asked for, and was granted, unanimous consent to take up Senate Resolution No. 20, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 20

Senate Resolution No. 20—Relative to the continuance of the Senate Committee on Employment Stabilization.

Resolution read.

Motion to Amend

Senator Kraft moved the adoption of the following amendment:

Amendment No. 1

Strike out Section 2 thereof, and insert in lieu thereof the following:

"The committee is authorized to act during this session of the Legislature including any recess, and to file a final report on or before the last day of the session."

Amendment read, and adopted.

FURTHER CONSIDERATION OF SENATE RESOLUTION NO. 20 AS AMENDED

Senate Resolution No. 20 as Amended

Relative to the continuance of the Senate Committee on Employment Stabilization

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Employment Stabilization created by Senate Resolution No. 104 of the 1947 session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, and to file a final report on or before the last day of the session.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of fourteen thousand eight hundred eleven dollars and fifty-seven cents (\$14,811.57) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read as amended.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jaspersen, Johnson, Judah, Keating, Kraft, O'Gara, Parkman, Powers, Salsman, Sutton, Swing, and Watson—30.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Brown asked for, and was granted, unanimous consent to take up Senate Resolution No. 31, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 31

Senate Resolution No. 31

Relative to the continuance of the Senate Committee on Local Governmental Agencies

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Local Governmental Agencies created by Senate Resolution No. 121 of the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, and to file a final report not later than the last legislative day.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of two thousand one hundred thirty-one dollars and ninety-one cents (\$2,131.91) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from

the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jepsen, Johnson, Keating, Kraft, O'Gara, Parkman, Powers, Salsman, Sutton, Swing, and Watson—29.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Keating asked for, and was granted, unanimous consent to take up Senate Resolution No. 32, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 32

Senate Resolution No. 32

Relative to the continuance of the Senate Committee on Governmental Reorganization

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Governmental Reorganization created by Senate Resolution No. 137 of the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, and to file a final report not later than the last legislative day.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of thirteen thousand seven hundred thirty-three dollars and ninety-six cents (\$13,733.96) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jepsen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Swing, and Watson—30.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, January 14, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 72

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; noes 0; absent 2.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered :

Senate Concurrent Resolution No. 19: By Senators Swing, Hatfield, and Hulse—Relative to the creation of the Joint Economic Survey Committee.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 14, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred :

Senate Concurrent Resolution No. 19

Has had the same under consideration, and reports the same back with the recommendation : Be adopted.

Committee membership 5 ; committee vote : Ayes 5.

POWERS, Chairman

Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 19, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 19

Senate Concurrent Resolution No. 19—Relative to the creation of the Joint Economic Survey Committee.

Resolution read.

Previous Question

Senator Rich moved the previous question.

Motion carried.

The question being on the adoption of Senate Concurrent Resolution No. 19.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Swing, and Watson—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE**THIRD READING OF SENATE BILLS (OUT OF ORDER)**

Senate Concurrent Resolution No. 15—Relative to the continuance of the Joint Legislative Committee on Agriculture and Livestock Problems.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Swing, and Watson—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS

Senate Bill No. 27—An act to amend Section 3 of the Property Acquisition Act, relating to the acquisition of property by the State in connection with the postwar construction program, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 100—An act to amend Section 12410 of the Government Code, relating to the duties of the Controller, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 101—An act authorizing the conveyance of certain property belonging to the State of California at San Francisco State College in the City and County of San Francisco, State of California, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 83—An act to amend Section 9357.2 of the Government Code, relating to retirement of Members of the Legislature, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert ", and to add Section 9355.05 to,".

Amendment No. 2

On page 1 of the printed bill, between lines 8 and 9, insert

"SEC. 2. Section 9355.05 is added to said code, to read:
9355.05. Every legislator in office on September 12, 1948, and who has been reelected as a Member of the Legislature may at any time prior to April 1, 1949, file with the board a written election to become a member of this system."

Amendment No. 3

On page 1, line 9, of said bill, strike out "SEC. 2." and insert "SEC. 3."

Amendment No. 4

On page 1, line 23, of said bill, after "year." insert "The uncertain status of the Legislators' Retirement Law during the pending of the legal action and the administrative difficulties incident to the actual establishment of the system after the decision of the Supreme Court have made it necessary to extend the time within which a legislator may apply for membership."

Amendment No. 5

On page 1 of said bill strike out line 26 and on line 27, strike out "is therefore necessary that".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

RESOLUTIONS

The following resolution was offered:

By Senator Salsman:

Senate Resolution No. 33

*Relative to the continuance of the Senate Interim Committee on Aviation
Resolved by the Senate of the State of California, As follows:*

1. The Senate Interim Committee on Aviation, created by Senate Resolution No. 144 of the 1947 Regular Session, is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, and to file a final report not later than the last legislative day.

3. The provisions of the Joint Rules of Senate and Assembly and of the Standing Rules of the Senate as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of ----- dollars (\$-----) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 29

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 29—Relative to adjournment in respect to the memory of Marguerite Mary McBride.

Request for Unanimous Consent

Senator Collier asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 29, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 29

Assembly Concurrent Resolution No. 29—Relative to adjournment in respect to the memory of Marguerite Mary McBride.

Resolution read, and adopted by a rising vote of the following Senators:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating,

Kraft, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, and Watson—33.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 215: By Senator Johnson—An act to amend Section 1512 of the Elections Code, relating to voter's pamphlets.

Referred to Committee on Elections.

Senate Bill No. 216: By Senator Johnson—An act to add Section 1509.5 to the Elections Code, relating to ballot pamphlets.

Referred to Committee on Elections.

Senate Bill No. 217: By Senator Michael J. Burns—An act to add Section 3720.1 to the Political Code, relating to the creation, and changes of boundaries, of school districts.

Referred to Committee on Local Government.

Senate Bill No. 218: By Senator Brown—An act to amend Sections 8909, 8916, 8920, 8937, 8938, 8968, 8970, 8971, and 8975 of, to repeal Sections 8954, 8955, and 8974 of, and to add Sections 8938.1, 8938.2, 8942, 8954, 8955, 8971.5, and 8972.1 to the Business and Professions Code, relating to the regulation of yacht and ship brokers and salesmen.

Referred to Committee on Business and Professions.

Senate Bill No. 219: By Senator Parkman—An act to amend Section 13600 of the Government Code, relating to publications and documents.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 220: By Senator Parkman—An act to add Section 11090 to, and to amend Section 11091 of, the Government Code, relating to state agency reports.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 221: By Senator Crittenden—An act to add Section 1066.7 to the Agricultural Code, relating to economic poisons.

Referred to Committee on Agriculture.

Senate Bill No. 222: By Senator Crittenden—An act to add Section 3456a½ to the Political Code, relating to the raising of money for reclamation districts by means of taxation.

Referred to Committee on Local Government.

Senate Bill No. 223: By Senator Crittenden—An act to amend Section 813.5 of the Agricultural Code, relating to standards for celery.

Referred to Committee on Agriculture.

Senate Bill No. 224: By Senator Collier—An act to add Sections 1128, 1129, 1130, 1131, 1132, and 1133 to the Streets and Highways Code.

and to repeal Section 2692 of the Political Code, relating to the laying out of private or by-roads.

Referred to Committee on Transportation.

Senate Bill No. 225: By Senator Collier—An act to add Sections 1128, 1129, 1130, 1131, 1132, and 1133 to the Streets and Highways Code, and to repeal Section 2692 of the Political Code, relating to the laying out of private or by-roads.

Referred to Committee on Transportation.

Senate Bill No. 226: By Senator Judah—An act to add Section 20025.3 to the Government Code, relating to contributions of members of the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 227: By Senator Judah—An act to amend the chapter heading of Chapter 3, Division 3 of, to amend the article heading of Article 1, Chapter 3, Division 3 of, and to add Section 379.8 to, the Agricultural Code, relating to the sale of poultry and rabbits.

Referred to Committee on Agriculture.

Senate Bill No. 228: By Senator Dilworth—An act to amend Section 12130 of the Education Code, relating to the general elementary credential.

Referred to Committee on Education.

Senate Bill No. 229: By Senator Dilworth—An act to add Section 12500 to the Education Code, relating to fees for credentials and life diplomas.

Referred to Committee on Education.

Senate Bill No. 230: By Senator Dilworth—An act to amend Section 13031.1 of the Education Code, relating to the filing or registration of certification documents.

Referred to Committee on Education.

Senate Bill No. 231: By Senator Breed—An act to amend Section 1170 of the Harbors and Navigation Code, relating to pilotage rates.

Referred to Committee on Transportation.

Senate Bill No. 232: By Senator O'Gara—An act to amend Section 9 of the Dangerous Weapons Control Law, relating to dealer's registers.

Referred to Committee on Judiciary.

Senate Bill No. 233: By Senator O'Gara—An act to add Section 6368 to the Revenue and Taxation Code, relating to blind vendors.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 234: By Senator Donnelly—An act making an appropriation to the Vocational Education Fund for fire training, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 235: By Senator Donnelly—An act making an appropriation to the Vocational Education Fund for fire training institutes, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 236: By Senator Michael J. Burns—An act to add Section 12171 to the Government Code, relating to administration of election laws and the achievement of uniformity in procedure within the State of California at all state-wide elections and the duties of the Secretary of State in relation to county clerks or registrars of voters within the several counties of California.

Referred to Committee on Elections.

Senate Bill No. 237: By Senators Jespersen, Collier, McBride, O'Gara, Coombs, Weybret, Hugh M. Burns, Ward, Michael J. Burns, Salsman, Busch, Kraft, Tenney, Johnson, Gibson, Drobish, Hulse, Desmond, and Hatfield—An act to provide for the development and improvement of state parks now or hereafter incorporated in the State Park System, and making an appropriation therefor.

Referred to Committee on Natural Resources.

Senate Bill No. 238: By Senator Donnelly—An act to add Section 9165 to the Education Code, relating to instructors for fire training programs, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 239: By Senator Desmond—An act making an appropriation to the Department of Agriculture for administering and enforcing the manufacturing milk and cream standards of the Agricultural Code.

Referred to Committee on Agriculture.

Senate Bill No. 240: By Senator Desmond—An act to amend Section 11b of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Referred to Committee on Local Government.

Senate Bill No. 241: By Senator Desmond—An act to amend Section 11c of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Referred to Committee on Local Government.

Senate Bill No. 242: By Senator Watson—An act making an appropriation for the construction and equipment of buildings for the use of the Department of the California Highway Patrol and the Department of Motor Vehicles.

Referred to Committee on Finance.

Senate Bill No. 243: By Senator Watson—An act making an appropriation for the acquisition of real property in Orange County for the construction of buildings for the use of the Department of the California Highway Patrol and the Department of Motor Vehicles.

Referred to Committee on Finance.

Senate Bill No. 244: By Senators Judah and Coombs—An act to amend Section 70 of the Civil Code, relating to solemnization of marriages. Referred to Committee on Judiciary.

Senate Bill No. 245: By Senator Dorsey—An act to create the Kern County Flood Control District. Referred to Committee on Water Resources.

Senate Bill No. 246: By Senator Dorsey—An act to add Sections 25643 and 25644 to the Government Code, relating to the powers of boards of supervisors of each county to give fire protection. Referred to Committee on Local Government.

Senate Joint Resolution No. 4: By Senator O'Gara—Relative to establishing a nine county area to be known as the San Francisco Bay Area.

Referred to Committee on Governmental Efficiency.

ADJOURNMENT

At 11.30 a.m., on motion of Senator Keating, the President declared the Senate adjourned until 2 p.m., Monday, January 17, 1949, out of respect to the memory of the late Marguerite Mary McBride.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

ELEVENTH LEGISLATIVE DAY

FIFTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, January 17, 1949

The Senate met at 2 p.m.

Hon. Harold J. Powers, President pro Tempore of the Senate,
presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Brown, on motion of Senator Collier, due to legislative business.

Senator Sutton, on motion of Senator Collier, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayor I. H. Hawkins, Redondo Beach; Dr. Rosalind Bates, Marie Potts, Ruth Hughes, Dollie Lee Butler, Myrtle Hughes, Marie Jeannerette, and Ethel Sullivan, Los Angeles.

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harriet Campbell, Delleker; Mrs. Ray Coblentz, Delleker, California.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry J. McClean of Los Angeles, President of the State Bar of California.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edwin L. Carty, Mayor of Oxnard, and son, Robert Charles Carty of St. Mary's College.

On request of Senator Weybret, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Andy Martin, Carmel, member of city council; Fred McCargar, Jack McCargar of Monterey.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ernie Smith of San Francisco.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 17, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointments, and respectfully request your confirmation thereof and consent thereto:

PAUL A. MARIANI, a resident of Cupertino; orchardist; fruit shipper; member of Cupertino-Saratoga Prune and Apricot Growers Association, and of the California Prune and Apricot Growers Association; member of the Agricultural Prorate Advisory Commission since May 18, 1945;

to the Agricultural Prorate Advisory Commission (representing the prune and apricot growers), vice self, for the term prescribed by law, ending January 1, 1953.

IRA REDFERN, a resident of Selma; vineyardist; member of the Sun-Maid Raisin Growers Association, and the California Farm Bureau; member of the Agricultural Prorate Advisory Commission since May 18, 1945;

to the Agricultural Prorate Advisory Commission (representing the grape growers), vice self, for the term prescribed by law, ending January 1, 1953.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO

*To the Members of the Senate and Assembly
of the State of California*

In accordance with the provisions of Section 1 of Article VII of the Constitution of California, I hereby transmit to you a report of the cases of pardon, commutation of sentence, and reprieve issued by me from March 1, 1948, to January 3, 1949.

Respectfully submitted,

EARL WARREN, Governor

Reprieve

ARTHUR EGGERS, San Quentin No. A-4145, was convicted on May 30, 1946, in Los Angeles County, of murder first degree, and scheduled to be executed September 24, 1948. Reprieve granted by Acting Governor Goodwin J. Knight to enable Arthur Eggers to apply for a writ of certiorari in the Supreme Court of the United States. Granted September 22, 1948, extending date of execution to October 15, 1948.

Pardons

Granted pursuant to Chapter 3.5, Sections 4852.01 to 4852.2 of the Penal Code, under which persons who have been released from state prison can demonstrate to the superior court of the county of their residence that they have rehabilitated themselves and earned the right to be considered for a pardon.

In each of the following cases the pardon has been granted pursuant to a certificate of rehabilitation issued by the superior court of the county of residence recommending the applicant to the Governor for a pardon.

HARRY AFTERGOOD, San Quentin No. 62724, plead guilty to the crime of grand theft in Los Angeles County during November, 1938. He served approximately 1 year in prison and approximately 1 year and 1 month on parole, being discharged therefrom on January 17, 1941. Certificate of rehabilitation issued October 30, 1946, by the Superior Court of Los Angeles County. Granted December 24, 1948.

RAYMOND WILLIAM ANDERSON, San Quentin No. 63283, was convicted of the crime of robbery first degree in Alameda County during March, 1939. He served approximately 2 years and $\frac{1}{2}$ month in prison and approximately 2 years and $\frac{1}{2}$ months on parole, being discharged therefrom on May 25, 1943. Certificate of rehabilitation issued February 28, 1947, by the Superior Court of Alameda County. Granted January 3, 1949.

J. F. BALZER, San Quentin No. 43952, plead guilty to the crime of assault by means and force likely to produce great bodily injury in Los Angeles County during August, 1927. He served approximately 1 year and 9 $\frac{1}{2}$ months in prison and approximately 1 year and 9 $\frac{1}{2}$ months on parole, being discharged therefrom on March 6, 1931. Certificate of rehabilitation issued March 5, 1947, by the Superior Court of Los Angeles County. Granted January 3, 1949.

MANUEL BETTENCOURT, San Quentin No. 54593, was convicted of the crime of burglary second degree in Del Norte County during August, 1933. He served approximately 1 year and 2 $\frac{1}{2}$ months in prison and approximately 1 year and 5 $\frac{1}{2}$ months on parole, being discharged therefrom on April 22, 1936. Certificate of rehabilitation issued September 18, 1946, by the Superior Court of Del Norte County. Granted November 9, 1948.

CHARLES H. BRANSCOMB, San Quentin No. 60433, plead guilty to the crime of assault with a deadly weapon in Lassen County during May, 1937. He served approximately 2 years and 3 months in prison and approximately 1 year and 4 months on parole, being discharged therefrom on December 29, 1940. Certificate of rehabilitation issued August 31, 1946, by the Superior Court of Lassen County. Granted December 24, 1948.

ANTONE BRUZZONE, San Quentin No. 36113, plead guilty to the crime of murder first degree in Alameda County during March, 1922. He served 13 years and 2 months in prison and approximately 1 year and 2 months on parole, being discharged therefrom on July 2, 1936, at which time his sentence was commuted to time served by Governor Frank F. Merriam. Certificate of rehabilitation issued June 16, 1947, by the Superior Court of Alameda County. Granted December 24, 1948.

ROBERT D. CHALMERS, San Quentin No. 58797, plead guilty to the crime of grand theft in Los Angeles County during March, 1936. He served approximately 1 year and 8 months in prison and 2 years and 6 months on parole, being discharged therefrom on May 21, 1940. Certificate of rehabilitation issued December 5, 1945, by the Superior Court of Los Angeles County. Granted December 24, 1948.

WM. R. CLARK, San Quentin No. 40934, plead guilty to the crime of violation of Section 476a of the Penal Code in San Diego County during May, 1925. He served 2 years in prison and 1 year on parole, being discharged therefrom on June 3, 1928. Certificate of rehabilitation issued October 18, 1946, by the Superior Court of the City and County of San Francisco. Granted December 24, 1948.

DANIEL CLEMENTI, San Quentin No. 65592, plead guilty to the crime of violation of Section 11036 of the State Narcotic Act in Contra Costa County during October, 1940. He served approximately 1 year and 7 months in prison and 1 year and 7 months on parole, being discharged therefrom on November 15, 1943. Certificate of rehabilitation issued December 17, 1945, by the Superior Court of Contra Costa County. Granted November 9, 1948.

EMIL J. COLSON, San Quentin No. 54019, plead guilty to the crime of perjury in the City and County of San Francisco during April, 1933. He served approximately 4 years and 4 months in prison, being discharged therefrom on August 21, 1937. Certificate of rehabilitation issued March 22, 1946, by the Superior Court of the City and County of San Francisco. Granted December 24, 1948.

IRVEN CURNOW, San Quentin No. 50888, plead guilty to the crime of burglary second degree in Sacramento County during September, 1931. He served approximately 3 years and 8 months in prison, being discharged therefrom on May 26, 1935. Certificate of rehabilitation issued January 18, 1946, by the Superior Court of Sacramento County. Granted December 24, 1948.

GEORGE DEWITT, San Quentin No. 52563, plead guilty to the crime of robbery first degree in Los Angeles County during July, 1932. He served 3 years and 2 months in prison and 1 year on parole, being discharged therefrom on September 23, 1936. Certificate of rehabilitation issued December 18, 1946, by the Superior Court of Los Angeles County. Granted December 24, 1948.

RAY ENOS, San Quentin No. 37410, was convicted of the crime of robbery in Los Angeles County during February, 1923. He served 6 years and 8 months in prison and 1 year and 6 months on parole, being discharged therefrom on April 9, 1931. Certificate of rehabilitation issued March 1, 1946, by the Superior Court of the City and County of San Francisco. Granted March 11, 1948.

JOE GHIO, San Quentin No. 41301, was convicted of the crime of rape in San Mateo County during September, 1925. He served approximately 7 years and 8 months in prison and 4 years and 2 months on parole, being discharged therefrom on August 20, 1937. Certificate of rehabilitation issued October 10, 1946, by the Superior Court of the City and County of San Francisco. Granted January 3, 1949.

GLENN HANCOCK, San Quentin No. 67370, was convicted of the crimes of manslaughter and assault by means of force likely to produce great bodily injury in Alameda County during October, 1941. He served approximately 1 year and 1 month in prison and approximately 1 year and $\frac{1}{2}$ months on parole, being discharged therefrom on April 10, 1944. Certificate of rehabilitation issued August 7, 1946, by the Superior Court of Alameda County. Granted December 24, 1948.

A. H. HESBON, San Quentin No. 65683, plead guilty to the crime of violation of Section 476a of the Penal Code in Riverside County during November, 1940. He served approximately 1 year and 6 months in prison and approximately 1 year and $\frac{1}{2}$ months on parole, being discharged therefrom on November 15, 1943. Certificate of rehabilitation issued January 6, 1947, by the Superior Court of Sacramento County. Granted January 3, 1949.

RUTH HOGUE, San Quentin No. 41034 and Tehachapi No. 592, plead guilty to the crime of grand larceny in Los Angeles County during July, 1925. She served 1 year and 4 months in prison, being paroled therefrom on November 4, 1926. On June 23, 1928, she was returned to state prison for violation of her parole. She served approximately 1 year and 4 months in prison and $\frac{1}{2}$ month on parole, being discharged therefrom on November 6, 1929. During March, 1941, she plead guilty to the crime of petty theft with prior conviction of a felony (2 counts) in Los Angeles County. She served approximately 2 years and $\frac{1}{2}$ month in prison and approximately 1 year and 3 months on parole, being discharged therefrom on July 13, 1944. Certificate of rehabilitation issued May 29, 1946, by the Superior Court of Los Angeles County. Pardon recommended by a majority of the Justices of the California Supreme Court. Granted December 24, 1948.

JAMES HOLLAND, San Quentin No. 62324, was convicted of the crime of manslaughter in Los Angeles County during August, 1938. He served approximately 3 years and 7 months in prison, being discharged therefrom on March 14, 1942. Certificate of rehabilitation issued November 9, 1945, by the Superior Court of Alameda County. Granted November 9, 1948.

G. L. HUDSON, San Quentin Nos. 54846 and 54846A, was convicted of the crime of burglary in Fresno County during March, 1930, and was granted 5 years probation, with the condition that he serve 1 year in the Fresno County jail. However, probation was revoked as a result of his having been convicted of the crime of burglary second degree in Fresno County during October, 1933. He served approximately 1 year and 3 months in prison, being released on parole on January 31, 1935. On September 4, 1935, he was returned to prison after being convicted of the crime of burglary second degree and prior in Tulare County. He served approximately 4 years and $\frac{1}{2}$ months in prison, being discharged therefrom on March 14, 1940. Certificate of rehabilitation issued January 7, 1946, by the Superior Court of Tulare County. Pardon recommended by a majority of the Justices of the California Supreme Court. Granted November 9, 1948.

HUGH E. IRWIN, San Quentin No. 48362, plead guilty to the crimes of robbery first degree and burglary first degree in San Diego County during April, 1930. He served approximately 4 years and 2 months in prison and approximately 1 year and $11\frac{1}{2}$ months on parole, being discharged therefrom on June 2, 1936. Certificate of rehabilitation issued May 3, 1946, by the Superior Court of Santa Clara County. Granted January 3, 1949.

ORRIN P. JACOBSEN, San Quentin No. 60817, plead guilty to the crime of burglary first degree in Alpine County during May, 1937. He served 2 years and 3 months in prison and 2 years and 5 months on parole, being discharged therefrom on February 10, 1942. Certificate of rehabilitation issued January 10, 1947, by the Superior Court of Sacramento County. Granted December 24, 1948.

KENNETH JARNAGIN, San Quentin No. 50691, plead guilty to the crime of forgery in Fresno County during August, 1928, and was granted 2 years probation. However, probation was revoked as a result of his conviction of issuing checks without sufficient funds during June, 1929. He was committed to the Preston School of Industry and was released therefrom on parole on February 22, 1931. During August, 1931, Jarnagin plead guilty to the crime of forgery (5 counts) in Fresno County. He served 2 years and 7 months in prison and 1 year on parole, being discharged therefrom on March 14, 1935. Certificate of rehabilitation issued February 20, 1946, by the Superior

Court of Alameda County. Pardon recommended by a majority of the Justices of the California Supreme Court. Granted December 24, 1948.

PETE KASPAROFF, San Quentin No. 45332, was convicted of the crime of burning insured property in Los Angeles County during May, 1928. He served approximately 4 years and 9 months in prison and approximately 7 months on parole, being discharged therefrom on August 10, 1933. Certificate of rehabilitation issued October 9, 1946, by the Superior Court of Los Angeles County. Granted December 24, 1948.

BERT LAKE, San Quentin No. 45486, plead guilty to the crime of assault with the intent to commit robbery first degree in Alameda County during May, 1928. He served approximately 3 years and 9 months in prison and approximately 2 years on parole, being discharged therefrom on February 26, 1934. Certificate of rehabilitation issued August 5, 1946, by the Superior Court of Solano County. Granted December 24, 1948.

JAMES D. McMILLEN, also known as JOHN McMILLEN, San Quentin No. 53820 and 53820-A, plead guilty to the crime of burglary second degree in Tulare County during March, 1933, and was convicted of the crime of robbery first degree in Orange County during May, 1933. He served approximately 5 years in prison and approximately 1 year and 6 months on parole, being discharged therefrom on September 14, 1939. Certificate of rehabilitation issued June 26, 1946, by the Superior Court of San Diego County. Pardon recommended by a majority of the Justices of the California Supreme Court. Granted November 9, 1948.

JACK NELLIS, San Quentin No. 56533, was convicted of the crime of robbery first degree (2 counts) in Los Angeles County during August, 1934. He served 5 years in prison and 6 years and 11 months on parole, being discharged therefrom on July 18, 1946. Certificate of rehabilitation issued December 9, 1947, by the Superior Court of San Mateo County. Pardon recommended by a majority of the Justices of the California Supreme Court. Granted November 9, 1948.

GEORGE O'BRIEN, San Quentin No. 64488, plead guilty to the crime of robbery first degree in Los Angeles County during January, 1940. He served approximately 3 years in prison and approximately 3 years and 6 months on parole, being discharged therefrom on July 13, 1946. Certificate of rehabilitation issued August 29, 1946, by the Superior Court of the City and County of San Francisco. Granted December 24, 1948.

KENNETH S. OLIVIER, San Quentin No. 58540, plead guilty to the crime of violation of Section 424 of the Penal Code (embezzlement and falsification of accounts by public officer) (three counts) in Ventura County during January, 1936. He served 1 year and 7 months in prison and 2 years and 6 months on parole, being discharged therefrom on February 15, 1940. Certificate of rehabilitation issued March 24, 1947, by the Superior Court of Ventura County. Granted January 3, 1949.

CLARA A. OSBORN, Tehachapi No. 445, was convicted of the crimes of violation of Section 113 of the Penal Code (2 counts) and violation of Section 470 of the Penal Code in Butte County during March, 1939. She served approximately 1 year and 1½ months in prison and approximately 1 year and 1 month on parole, being discharged therefrom on May 17, 1941. Certificate of rehabilitation issued September 17, 1946, by the Superior Court of Tehama County. Granted December 24, 1948.

RICHARD CHARLES RICHARDSON, San Quentin No. 61271, was convicted of the crime of negligent homicide in Tulare County during January, 1938. He served 2 years in prison, being discharged therefrom on January 5, 1940. Certificate of rehabilitation issued March 13, 1946, by the Superior Court of Kern County. Granted November 9, 1948.

DONALD R. RUSSELL, San Quentin No. 59263, was convicted of the crime of grand theft in Orange County during July, 1935, and was granted 5 years probation with the condition that he serve 1 year in the Orange County jail. However, probation was revoked as a result of his arrest for the crime of grand theft in Los Angeles County during July, 1936. He served 1 year and 4 months in prison and 2 years and 3 months on parole, being discharged therefrom on March 1, 1940. Certificate of rehabilitation issued March 28, 1945, by the Superior Court of Los Angeles County. Pardon recommended by a majority of the Justices of the California Supreme Court. Granted March 11, 1948.

FRANK A. SCOTT, San Quentin No. 61363, was convicted of the crimes of conspiracy to violate the Corporate Securities Act, violation of the Corporate Securities Act, (3 counts), and conspiracy to obtain property with intent to defraud, (2 counts), in San Diego County during January, 1938. He served approximately 1 year and 7 months in prison and approximately 2 years on parole, being discharged therefrom on August 26, 1941. Certificate of rehabilitation issued November 22, 1944, by the Superior Court of Los Angeles County. Granted March 11, 1948.

WM. BROOKS SISSON, San Quentin No. 63672, was convicted of the crimes of (Group I) grand theft, (2 counts to run concurrently), and (Group II) grand theft, (2 counts to run concurrently), and (Group III) grand theft, (2 counts to run concurrently) and conspiracy to commit grand theft, (1 count to run concurrently), (groups to run consecutively), in Los Angeles County during June, 1939. He served 2 years in

prison and 2 years on parole, being discharged therefrom on June 17, 1943. Certificate of rehabilitation issued September 20, 1944, by the Superior Court of Los Angeles County. Granted November 9, 1948.

EDWARD SMITH, San Quentin No. 63758, was convicted of the crimes of violation of Section 9 of the Narcotic Act, (forgery of prescription), with prior conviction of a felony, and violation of Section 1 of the Narcotic Act, (possession), (probation revoked), in Alameda County during July, 1939. He served 2 years and 1 month in prison and approximately 1 year and 4 months on parole, being discharged therefrom on December 15, 1942. Certificate of rehabilitation issued May 9, 1945, by the Superior Court of Los Angeles County. Pardon recommended by a majority of the Justices of the California Supreme Court. Granted November 9, 1948, with the condition that Smith refrain from the use of narcotics and subject to the further provisions prescribed on August 5, 1946, by the State Board of Medical Examiners. (Conditional pardon.)

GORDON VINCENT, San Quentin No. 51933, plead guilty to the crime of burglary second degree in Fresno County during April, 1932. He served 3 years and 6 months in prison and 3 years on parole, being discharged therefrom on October 23, 1938. Certificate of rehabilitation issued April 8, 1946, by Superior Court of Kings County. Granted December 24, 1948.

JOSEPH E. WARREN, San Quentin No. 57198, was convicted of the crime of robbery first degree in Los Angeles County during January, 1935. He served 2 years and 9 months in prison and 2 years on parole, being discharged therefrom on October 26, 1939. Certificate of rehabilitation issued November 6, 1946, by the Superior Court of Los Angeles County. Granted December 24, 1948.

WILLIAM WEAVER, San Quentin No. 43679, plead guilty to the crime of murder second degree in San Mateo County during May, 1927. He served 12 years and 10 months in prison and 5 years and 3 months on parole, being discharged therefrom on June 25, 1945. Certificate of rehabilitation issued January 7, 1946, by the Superior Court of San Mateo County. Granted March 11, 1948.

CARL D. WHEELER, San Quentin No. 62577, plead guilty to the crime of robbery second degree in Los Angeles County during October, 1938. He served approximately 2 years and 1½ months in prison and approximately 1 year and 1 month on parole, being discharged therefrom on January 13, 1942. Certificate of rehabilitation issued October 15, 1946, by the Superior Court of Sacramento County. Granted December 24, 1948.

ERNEST WOODS, San Quentin No. 46744, plead guilty to the crime of robbery second degree in Los Angeles County during March, 1929. He served 2 years and 6 months in prison and 4 years on parole, being discharged therefrom on September 9, 1935. Certificate of rehabilitation issued November 1, 1946, by the Superior Court of Alameda County. Granted January 3, 1949.

Pardons

Granted without reference to Chapter 3.5, Sections 4852.01 to 4852.2 of the Penal Code, after favorable recommendation.

JOSE FLORES, San Quentin No. 29047, was convicted of the crime of assault with a deadly weapon in Orange County during November, 1915. He served 10 months in prison, being discharged therefrom on September 20, 1916. Pardon recommended by James A. Musick, Sheriff of Orange County, and the Adult Authority. Granted January 3, 1949.

STEVE KOZAK, San Joaquin Sheriff's Office No. 10406-V, plead guilty to the crime of petty theft in San Joaquin County on February 3, 1936. He served 30 days in the San Joaquin County jail. Kozak has been deported to Canada. Pardon recommended by the Adult Authority. Granted December 24, 1948.

FERNANDO MIGUEZ, Los Angeles County No. 197802, was convicted of the crime of contributing to the delinquency of a minor in Los Angeles County during May, 1934. He served 10 months in the Los Angeles County jail. Miguez is subject to deportation to Spain. Pardon recommended by the Adult Authority. Granted November 9, 1948.

LOUIS PEARSON, San Quentin No. 43248, was convicted of the crime of murder first degree in Fresno County on February 14, 1927, and was given a life sentence. He served 12 years in prison and was released on parole February 15, 1939. Pardon recommended by James M. Thuesen, District Attorney of Fresno County, George J. Overholt, Sheriff of Fresno County, R. T. Wallace, Chief of Police, Fresno, Fred Finsley, Chief State Parole Officer, and the Adult Authority. Granted November 9, 1948.

FOY C. PHILLIPS, San Quentin No. 67506, plead guilty to the crimes of grand theft and grant theft from person in Imperial County during November, 1941. He served 1 year and 9 months in prison, being released therefrom on August 12, 1943, on a Special Service Parole, pursuant to Chapter 396, Statutes of 1943. He was discharged from parole on August 23, 1946. Pardon recommended by R. W. Ware, Sheriff of Imperial County, and the Adult Authority. Granted January 3, 1949.

HERMAN STETTLER, San Quentin No. 64134, now a resident of the State of Oregon, plead guilty to the crime of drawing and issuing a check without sufficient funds in Mariposa County during January, 1940. He served approximately 1 year and 10½ months in prison and approximately 5½ months on parole, being discharged therefrom on May 3, 1942. Pardon recommended by Louis T. Milburn, former District Attorney of Mariposa County and the Adult Authority. Granted November 9, 1948.

Message read, and ordered printed in the Journal.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Concurrent Resolution No. 14

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above resolution ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 17, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 27

Senate Bill No. 100

Senate Bill No. 83

Senate Bill No. 101

And reports the same correctly engrossed.

POWERS, Chairman

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 20: By Senator Swing—Relative to felicitating the San Bernardino Daily Sun and its Editor, James A. Guthrie, on the occasion of the opening of its new publishing establishment.

Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 20, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 20

Senate Concurrent Resolution No. 20—Relative to felicitating the San Bernardino Daily Sun and its Editor, James A. Guthrie, on the occasion of the opening of its new publishing establishment.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Concurrent Resolution No. 21: By Senator Dillinger—
Relative to respecting the discovery of gold at Coloma.

Request for Unanimous Consent

Senator Dillinger asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 21, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 21

Senate Concurrent Resolution No. 21 Relative to respecting the discovery of gold at Coloma.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

NOES—None.

Resolution ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 72—An act to amend Section 2191.5 of the Business and Professions Code, relating to applications to the Board of Osteopathic Examiners of the State of California for physicians' and surgeons' certificates, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 27—An act to amend Section 3 of the Property Acquisition Act, relating to the acquisition of property by the State in connection with the postwar construction program, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Weybret, and Williams—36.

NOES—Senator Donnelly—1.

The roll was called and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

NOES—Senator Donnelly—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 100—An act to amend Section 12410 of the Government Code, relating to the duties of the Controller, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted, by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to have the following opinion of the Legislative Counsel, regarding "Audit of Claims by Controller" printed in the Journal just before the roll call on final passage of Senate Bill No. 100.

Opinion of Legislative Counsel

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL.

SACRAMENTO 2, CALIFORNIA, January 16, 1949

Hon. George J. Hatfield
Senate Chamber

Audit of Claims by Controller—No. 2850

DEAR SENATOR HATFIELD: Senate Bill No. 100 amends Section 12410 of the Government Code, relating to the duties of the Controller. The bill as introduced would amend the section to read:

"12410. The Controller shall superintend the fiscal concerns of the State, and audit all disbursements of state money for correctness, legality, and sufficient provisions of law for each disbursement. Whenever the audit provided for by Chapter 1, Part 1, Division 4 of Title 2 of this code is not adequate the Controller shall make such further field or other audit as may be necessary to comply therewith."

The audit referred to in the last sentence of the section is the one made by the Controller pursuant to Section 16003 in conformity with law and the general rules and regulations adopted by the Board of Control governing the presentation and audit of claims.

You have asked us whether the section as proposed to be amended gives the Controller any additional power to determine the policy of state departments, particularly the Department of Social Welfare under Article XXV of the Constitution.

It is our opinion that the proposed amendment that would be made by Senate Bill No. 100 does not give the Controller any power whatsoever with reference to the policy of any state department, including the Department of Social Welfare.

Section 22 of Article IV of the Constitution provides in part that no money shall be drawn from the Treasury but in consequence of appropriation made by law and upon warrants duly drawn thereon by the Controller. Section 12410 and Section 16003 of the Government Code merely write into the law the manner in which the duties of the Controller, which are necessarily implied from the Constitution, shall be performed. They neither enlarge nor restrict his constitutional duty with reference thereto.

When a claim is presented to the Controller, it is his duty to determine whether an appropriation has been made to pay it, whether the purpose for which the payment is made is within constitutional restrictions, and whether the payment is authorized by a budget submitted and approved pursuant to Section 1a of Article IV of the Constitution. If the claim complies with these requirements, the Controller has no further discretion but must draw his warrant. He has no more discretion to refuse to draw a warrant because of disagreement with determination of policy validly vested in any state department than he would have to compel such a department to submit a claim in conflict with such policy.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By **LAWRENCE G. ALLYN**, Deputy

The President directed the Secretary to call the roll on final passage of Senate Bill No. 100.

The roll was called and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 83—An act to amend Section 9357.2 of the Government Code, relating to retirement of Members of the Legislature, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 101—An act authorizing the conveyance of certain property belonging to the State of California at San Francisco State College in the City and County of San Francisco, State of California, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Resolution No. 29

Relative to the continuance of the Senate Interim Committee on Workmen's Compensation Benefits

Resolved by the Senate of the State of California, As follows:

1. The Senate Interim Committee on Workmen's Compensation Benefits created by Senate Resolution No. 125 of the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, and to file a final report not later than the final legislative day.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of seven thousand fifty-seven dollars and eighty-seven cents (\$7,057.87) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBrade, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

MOTION TO RECALL SENATE CONCURRENT RESOLUTION NO. 19

Senator Swing moved that the Senate request the Assembly to return Senate Concurrent Resolution No. 19 to the Senate for further consideration.

Motion carried.

MOTION TO APPROVE JOURNALS

Senator Keating moved that the Journals for Monday, January 10, 1949; Tuesday, January 11, 1949; Wednesday, January 12, 1949; Thursday, January 13, 1949; Friday, January 14, 1949 be approved as corrected by the Minute Clerk and the Journal Clerk.

Motion carried.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 247: By Senator Regan—An act to amend Section 4011 of the Public Resources Code, relating to peace officers who enforce fire laws.

Referred to Committee on Natural Resources.

Senate Bill No. 248: By Senator Regan—An act to amend Section 4151 of the Public Resources Code, relating to camp fire permits.

Referred to Committee on Natural Resources.

Senate Bill No. 249: By Senator Regan—An act to amend Section 4165 of the Public Resources Code, relating to fire protection and regulating the disposal of waste material.

Referred to Committee on Natural Resources.

Senate Bill No. 250: By Senator Regan—An act to amend Section 4167 of the Public Resources Code, relating to fire hazards in the vicinity of forest, brush, grass or grain covered land.

Referred to Committee on Natural Resources.

Senate Bill No. 251: By Senator Collier—An act to amend Sections 16505 and 16581, and to repeal Section 16524 of, the Government Code, relating to deposits of state money in banks.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 252: By Senator Collier—An act to amend Sections 7351 and 8651 of the Revenue and Taxation Code, relating to motor vehicle fuel and use fuel taxes.

Referred to Committee on Transportation.

Senate Bill No. 253: By Senator Collier—An act to add Chapter 6a, comprising Sections 10550 to 10550.35, inclusive, to Part 2 of Division 2 of the Insurance Code, relating to health care expense contractors.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 254: By Senator Regan—An act to amend Section 44 of the Vehicle Code, relating to emergency vehicles.

Referred to Committee on Transportation.

Senate Bill No. 255: By Senator Weybret—An act to repeal Section 1063 of the Fish and Game Code, relating to the grading of fish.

Referred to Committee on Fish and Game.

Senate Bill No. 256: By Senator Weybret—An act to repeal Section 741 of the Fish and Game Code, relating to taking sardines for bait or consumption as fresh fish.

Referred to Committee on Fish and Game.

Senate Bill No. 257: By Senator Weybret—An act to amend Section 812.4 of the Agricultural Code, relating to standard containers for carrots.

Referred to Committee on Agriculture.

Senate Bill No. 258: By Senator Weybret—An act to add Section 1065.5 to the Fish and Game Code, relating to sardines, suspending certain conflicting provisions during the period this act is effective, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Fish and Game.

Senate Bill No. 259: By Senator Regan—An act to amend Section 2010 of the Streets and Highways Code, relating to mileage allowances for supervisors' official road duties.

Referred to Committee on Local Government.

Senate Bill No. 260: By Senator Dorsey—An act to add Section 459.6 to the Vehicle Code, relating to local regulation of traffic meeting or passing school busses.

Referred to Committee on Local Government.

Senate Bill No. 261: By Senators Powers and Hatfield—An act to amend Sections 348 and 353.1 and to repeal Sections 349.7, 353.5, 353.6, 353.7, 353.8, 353.9, 354, and 354.1 of, and to add Sections 353.5 and 354 to, the Agricultural Code, relating to hide and brand inspection.

Referred to Committee on Agriculture.

Senate Bill No. 262: By Senator Hatfield—An act to amend Sections 92 and 93 of, and to add Sections 93.1 to 93.4, inclusive, to the Unemployment Insurance Act, relating to the recruitment and placement of farm workers, creating a Farm Labor Council, and making an appropriation therefor.

Referred to Committee on Agriculture.

LETTER OF TRANSMITTAL

SENATE, CALIFORNIA LEGISLATURE

To The California Senate:

Pursuant to Senate Resolution No. 125, read and adopted by the California Senate on June 20, 1947, your Interim Committee on Workmen's Compensation Benefits submits herewith its report.

Respectfully submitted,

(Signed)

SENATOR CLARENCE C. WARD, Chairman
SENATOR H. E. DILLINGER
SENATOR THOMAS MCCORMACK
SENATOR H. R. JUDAH
SENATOR HARRY L. PARKMAN

January 17, 1949

The letter of transmittal ordered printed in the Journal and the report ordered printed in the appendix to the Journal.

MOTION TO PRINT ADDITIONAL COPIES

Senator Ward moved that 2,500 copies of the Report by the Interim Committee on Workmen's Compensation Benefits be printed for distribution.

Motion carried.

Senator Salsman Presiding

At 3.15 p.m., Senator Byrl R. Salsman of the Eighteenth District, presiding.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 263: By Senator Jespersen—An act to amend Section 8051 of the Education Code, relating to the performance of services by governing boards of school districts and county superintendents of schools.

Referred to Committee on Education.

Senate Bill No. 264: By Senator Jespersen—An act to amend Section 3155 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 265: By Senator O'Gara—An act to amend Sections 7621, 7622, 7623, 7624, 7650, 7654, 7691, 7692, and 7720 of the Labor Code, relating to regulation of tanks and boilers.

Referred to Committee on Labor.

Senate Bill No. 266: By Senator O'Gara—An act to amend Section 7721 of the Labor Code and to repeal Section 7722 thereof, relating to inspection fees for tanks and boilers, and providing that this act shall take effect immediately.

Referred to Committee on Labor.

Senate Bill No. 267: By Senator O'Gara—An act to amend Section 7314 of the Labor Code, relating to fees for elevator inspection.

Referred to Committee on Labor.

Senate Bill No. 268: By Senator Miller—An act to amend Section 4629 of the Education Code, relating to unified school districts.

Referred to Committee on Education.

Senate Bill No. 269: By Senator Mayo—An act to amend Section 1 of, and to add Section 1.5 to, an act entitled "An act providing that the State of California enter into a compact with the States of Oregon and Washington, one or both, to promote the better utilization of the fisheries, marine, shell, and anadromous of the Pacific Seaboard, and to create the Pacific Marine Fisheries Commission; providing for the members of such commission from the State of California; providing for the administration of the provisions of said compact; and making an appropriation," approved July 17, 1947, relating to the termination of a Pacific Marine Fisheries compact, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 270: By Senator Hugh M. Burns—An act to amend Section 4905 of the Business and Professions Code, relating to fees charged by the Board of Examiners in Veterinary Medicine, to take effect immediately.

Referred to Committee on Business and Professions.

Senate Bill No. 271: By Senator Hatfield—An act to amend Sections 735.3, 736.1-1, and 736.3 of the Agricultural Code, relating to fluid milk and fluid cream.

Referred to Committee on Agriculture.

Senate Bill No. 272: By Senator Dilworth—An act to amend Sections 12130.1, 12400.1, and 12402.1 of the Education Code, and to add Section 12130.2 to said code, all relating to the credentials authorizing service in the public schools, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 273: By Senator Dilworth—An act to amend Section 28114 of the Government Code, relating to compensation of county officers.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 274: By Senator Salsman—An act to amend Section 3122 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 275: By Senator Williams—An act to amend Section 3702 of the Revenue and Taxation Code, relating to the sale of tax-deeded property, and the publication of notice thereof.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 276: By Senator Salsman—An act to amend Section 3181 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 277: By Senator Breed—An act to add Chapter 5.6 to Division 2 of the Business and Professions Code, relating to the practice of physical therapy by registered physical therapists.

Referred to Committee on Business and Professions.

Senate Bill No. 278: By Senators Parkman and O'Gara—An act to amend Section 19622 of the Business and Professions Code, relating to the disposition of state revenues derived from the regulation and licensing of horse racing, horse racing meetings, and wagering on the results thereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 279: By Senator Breed—An act to amend Section 189 of the Code of Civil Procedure, relating to destruction of court records.

Referred to Committee on Judiciary.

Senate Bill No. 280: By Senators Tenney, Watson, Kraft, Williams, Hugh M. Burns, Dilworth, Weybret, Parkman, Desmond, Hulse, and Donnelly—An act to add Article 5 to Chapter 2, Division 4, Title 1 of the Government Code, relating to public employees' loyalty oaths.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 281: By Senator McBride—An act to amend the Building and Loan Association Act by amending Section 2.02 thereof, relating to restrictions on corporate name, Section 2.04 thereof, relating to approval of articles of incorporation by the Building and Loan Commissioner, Section 2.07 thereof, relating to branches, Section 8.03 thereof, relating to minors and married women, Section 11.04 thereof, relating to licenses for agents and salesmen, Section 12.04 thereof, relating to foreign associations, Section 12.06 thereof, relating to restrictions on advertising, Section 13.02 thereof, relating to appointees, employees and offices of the Building and Loan Commissioner, Section 13.05 thereof, relating to general duties of such commissioner, Section 13.07 thereof, relating to appraisements, Section 13.17 thereof, relating to assessments by such commissioner for salaries and expenses, and Section 15.16 thereof,

relating to supervision and control of borrowers' mutual building and loan associations; repealing Section 5.03 of said act, relating to investment certificate reserve; and adding to said act Section 2.10, relating to net worth, and Section 8.13, relating to authorization to execute certificates, all relating to building and loan associations.

Referred to Committee on Financial Institutions.

Senate Bill No. 282: By Senator McBride—An act to amend Section 4 of an act entitled "An act to provide for the rights, powers, privileges, exemptions and immunities of federal savings and loan associations, incorporated under the provisions of the Home Owners' Loan Act of 1933, which are doing business in the State of California, and for the rights, powers, privileges, exemptions and immunities of the holders of shares or share accounts issued by any such association," approved June 13, 1939, relating to joint tenancy shares and accounts.

Referred to Committee on Financial Institutions.

Senate Bill No. 283: By Senator McBride—An act to amend the Building and Loan Association Act by amending Section 9.01 thereof, relating to investments and loans.

Referred to Committee on Financial Institutions.

Senate Bill No. 284: By Senator Crittenden—An act to add Sections 8409 and 8410 to the Education Code, relating to kindergartens.

Referred to Committee on Education.

Senate Bill No. 285: By Senator McBride—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 9.20, relating to loans.

Referred to Committee on Financial Institutions.

Senate Bill No. 286: By Senator McBride—An act to amend Section 13 of the Ventura County Flood Control Act, relating to flood control.

Referred to Committee on Water Resources.

Senate Bill No. 287: By Senator Desmond—An act to amend Section 14813 of the Revenue and Taxation Code, relating to confidential nature of inheritance tax records.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 288: By Senator Desmond—An act to amend Section 27 of the Bank and Corporation Franchise Tax Act, relating to overpayment of taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 289: By Senator Desmond—An act to amend Section 61 of the Alcoholic Beverage Control Act, relating to purchase and consumption of alcoholic beverages by minors, and providing penalties.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 290: By Senators Desmond and Hatfield—An act to add Chapter 1a, comprising Sections 160.1 to 160.8, inclusive, to

Division 2 of, and to repeal Section 150 of, the Agricultural Code, relating to the business of agricultural pest control, and making an appropriation therefor.

Referred to Committee on Agriculture.

Senate Bill No. 291: By Senator Desmond—An act to repeal Section 509 of the Agricultural Code, relating to dairy and milk products inspection fees, and making an appropriation.

Referred to Committee on Agriculture.

Senate Bill No. 292: By Senator Salsman—An act to add Sections 6051.5 and 6201.5 to the Revenue and Taxation Code, relating to the support of State Government, and for that purpose providing for additional sales and use taxes and for expenditure of the proceeds pursuant to Section 10 of Article XXV of the Constitution, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 293: By Senator Tenney—An act to amend Section 11005 of, and to add Section 11005.1 to, the Government Code, relating to the acquisition of real and personal property and the powers of the Director of Finance relative thereto.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 294: By Senator Crittenden—An act to add Sections 1503.4 and 6357.1 to the Education Code, relating to the education of pupils in kindergartens.

Referred to Committee on Education.

Senate Bill No. 295: By Senator Crittenden—An act to amend Sections 18051 and 18057 of the Education Code, relating to the letting of contracts by school districts.

Referred to Committee on Education.

Senate Bill No. 296: By Senator Crittenden—An act to add Section 1503.5 to the Education Code, relating to payments for the education of pupils residing in one district and attending in another.

Referred to Committee on Education.

Senate Bill No. 297: By Senators Tenney, Kraft, Williams, Watson, Dilworth, Hugh M. Burns, Weybret, Parkman, Hulse, Desmond, and Donnelly—An act to add Section 411 to the Penal Code, relating to maintenance of attendance records of secret meetings at which unlawful acts are advocated or advised.

Referred to Committee on Judiciary.

Senate Bill No. 298: By Senators Tenney, Watson, Kraft, Williams, Hugh M. Burns, Weybret, Parkman, Desmond, Hulse, Dilworth, and Donnelly—An act to add Article 10 to Chapter 4, Division 3, of the Business and Professions Code, relating to loyalty of attorneys.

Referred to Committee on Judiciary.

Senate Bill No. 299: By Senators Breed and Hatfield—An act to amend the title of, and to add Section 4 to, "An act making an appropriation to the Regents of the University of California for establishing and operating an Institute of Transportation and Traffic Engineering," approved July 19, 1947, relating to the expenses of certain state, county, city and county, city or district officers and employees attending and participating in meetings of such institute.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 300: By Senators Tenney, Hugh M. Burns, Desmond, Kraft, Weybret, Watson, Dilworth, and Donnelly—An act declaring all buildings and places where subversive organizations hold meetings or where such meetings are held or occur or which are used for such purposes to constitute a nuisance, and providing for the abatement and prevention of such nuisance.

Referred to Committee on Judiciary.

Senate Bill No. 301: By Senator Crittenden—An act to amend Section 13 of the Construction and Employment Act, relating to types of projects for which allocations to counties under said act may be made.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 302: By Senators O'Gara and Miller—An act to add Sections 730.1, 736.5, and 736.6 to the Agricultural Code, relating to the sale of milk.

Referred to Committee on Agriculture.

Senate Bill No. 303: By Senator Desmond—An act to add Section 4.1 to an act entitled "An act to provide additional public recreation facilities, authorizing the making of a supplemental survey to determine what lands are suitable for inclusion in the State System of Parks and Beaches pursuant to this act, and making an appropriation for the acquisition of public recreation facilities," approved July 17, 1945, relating to acquisition of parks and parkways along the Sacramento River.

Referred to Committee on Finance.

Senate Concurrent Resolution No. 22: By Senator Weybret—Relative to the continuance of the Legislative Centennials Committee.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 23: By Senator Hugh M. Burns—Relative to the sale of the Fresno State College campus.

Referred to Committee on Governmental Efficiency.

Senate Concurrent Resolution No. 24: By Senators Ward, McBride, Collier, Williams, Miller, O'Gara, Kraft, Regan, Watson, Cunningham, Salsman, Dilworth, and Powers—Relative to the Y. M. C. A. model legislature.

Referred to Committee on Rules.

Senate Joint Resolution No. 5: By Senators Kraft, Rich, Desmond, and Drobish—Relative to memorializing the President and the Congress of the United States in relation to changing present federal

laws pertaining to the employment security programs of the states, and to providing sufficient funds to permit proper administration of the public employment service and the unemployment insurance programs of the State of California.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 8

Assembly Bill No. 23

Assembly Bill No. 87

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKY, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 8—An act to provide for the establishment of a state college in the area of Orange County and the southeastern part of Los Angeles County, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 23—An act to amend Sections 10200, 10201, 10202, 10203, 10204 and to repeal Section 10205 of the Education Code, relating to automobile driver education and automobile driver training, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 87—An act to amend an act entitled "An act to create a district to be called 'The Santa Barbara County Water Agency' for the purpose of controlling and conserving storm, flood and other surface waters, for any beneficial use and for the protection of life and property in said district, for the purpose of cooperating and contracting with municipalities and certain districts for the storage and diversion, the transportation and delivery, and the sale or other disposition of such water; to provide for the powers of such district necessary to carry out its purposes including the right to contract, the right to acquire property and to acquire or construct or have constructed dams, conduits, and other works for the control, conservation, diversion and transportation of such water, certain rights to appropriate water, to acquire water rights, and to sell water and to collect charges for water used; to provide for the organization, government and management of said district and establishing the boundaries thereof; to provide for the appointment, powers, duties, liabilities and compensation of the officers and employees of said district; to provide certain officers and employees of the County of Santa Barbara shall be ex officio officers and employees of said district; to authorize the incurring of indebtedness, the voting and/or issuing and selling of bonds, the voting and/or levying and collection of special assessments, the levying and collection of taxes; to provide certain limitation on creation of indebtedness, levying of taxes

and special assessments and issuance of bonds; to provide that the existence, property and powers of municipalities or public districts located within or partially within said district shall not be affected by this act; and to empower municipalities, county water districts, water conservation districts, flood control districts, and any other political subdivisions of the State empowered by law to appropriate water and to deliver it to users, to enter into contracts with the agency and to carry out the terms of such contracts, and providing for the dissolution of such agency," by amending the title of said act, by amending Sections numbered 2, 5.1, 5.3, 5.4, 5.7, 6.1, 6.3, 9.1, 10.1, and 10.2 of said act, all relating to the power of said agency on behalf of itself or its member units to acquire water or a water supply, to purchase and sell water, to cooperate and contract in connection with such water, water supply, and purchase and sale of water with the United States, the State, municipalities and certain public districts, to assume certain indebtedness as principal, guarantor or underwriter, to make certain contributions in aid of purchasing or obtaining water or a water supply or works, to suspend delivery of water to member units, imposing certain limitations on indebtedness and taxes, defining member units of said agency and establishing certain powers, rights and liabilities of such member units and their power to contract with said agency in connection with such water or water supply, of purchase and sale of water, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Local Government.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day pursuant to your request herewith returns:

Senate Concurrent Resolution No. 19

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered to unfinished business file.

RESOLUTIONS

The following resolutions were offered:

By Senators Dilworth, Jespersen, Weybret, Donnelly, Tenney, Williams, Salsman, and Drobish:

Senate Resolution No. 34

Relating to the work of the California Teachers Association and the Santa Monica Classroom Teachers Association

WHEREAS, In these critical days of world unrest it is vital that America maintain her devotion to the traditional freedoms and democratic principles that have made her great; and

WHEREAS, The only sure means of safeguarding liberty and future progress is the maintenance of our free, representative form of popular government established by our American Constitution; and

WHEREAS, The California Teachers Association, acutely aware and proud of the role teachers play in promoting in youth a respect for and a devotion to the American traditions, is conducting a state-wide program dedicating anew the more than 50,000 members of the teaching profession in California to their responsibilities; and

WHEREAS, The Santa Monica Classroom Teachers Association set the pattern for this program by arranging for the proclamation and observance of Loyalty Week to coincide with American Education Week; and

WHEREAS, The teachers of Santa Monica voluntarily reaffirmed their devotion to the American ideals and principles by again taking the oath each had signed upon becoming a teacher; and

WHEREAS, Upon invitation of the Santa Monica teachers virtually every group, club, association, business and religious organization in the community and thousands of citizens likewise reaffirmed their loyalty by taking the Teachers Oath of Loyalty; and

WHEREAS, The California Teachers Association, in urging that teacher groups throughout the State likewise demonstrate their position of leadership in stimulating American loyalty, is rendering outstanding service to the ideals of Americanism; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate of California does heartily commend the officers and members of the California Teachers Association and the Santa Monica Classroom Teachers Association for their devotion to American ideals, and their signal service to the communities of the State; and, be it further

Resolved, That the Secretary of the Senate be and he is hereby instructed to have suitable prepared copies of this resolution transmitted to the California Teachers Association and the Santa Monica Classroom Teachers Association.

Resolution read and referred to Committee on Education.

By Senators Mayo, Hulse, Hatfield, Powers, Keating, and Brown :

Senate Resolution No. 35

Relative to the creation of the Senate Fact-Finding Committee on Establishing a Port Authority for San Francisco Bay

WHEREAS, It is generally recognized that San Francisco Bay is one of the world's finest land-locked harbors, possessing within its area docking and wharfing facilities where countless numbers of ships and cargoes may be berthed and stored; and

WHEREAS, It has been demonstrated conclusively during the recent World War that San Francisco Bay is the natural port for commerce to and from the Orient, Australia, New Zealand, the Pacific Islands, Central and South America and Alaska; and

WHEREAS, The industrial, commercial and farming structure of a great portion of the State of California can be greatly enhanced and abetted by the maximum use of the facilities of San Francisco Bay; and

WHEREAS, There presently exists within the confines of San Francisco Bay, several ports, each acting as an autonomous unit, separate and distinct from one another; and

WHEREAS, The Ports of New York, New Orleans, and Houston have in the past been confronted with similar problems of several ports within one anchorage; and

WHEREAS, The authorities in the cities and states abutting upon the shores of the New York, New Orleans, and Houston harbors found it to be to their great advantage, as well as to the advantage of their state and Nation, to establish a port authority into whose hands was placed the responsibility of consolidating and administering all of the ports within their harbors as a single port; now, therefore, be it

Resolved by the Senate of the State of California:

1. The Senate Fact-Finding Committee on Establishing a Port Authority for San Francisco Bay is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the advisability of establishing a port authority for San Francisco Bay, and the method of operation and the effect of such operation by port authorities throughout the United States, and including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of seven members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1951 Regular Session, with authority to file its final report not later than the fifteenth legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within

the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(f) The committee or any subcommittee is authorized to leave the State and to meet and act at any place within the United States in connection with the investigation committed to it.

6. The sum of _____ dollars (\$ _____) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

ADJOURNMENT

At 3.25 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 11 a.m., Tuesday, January 18, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

TWELFTH LEGISLATIVE DAY

SIXTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, January 18, 1949

The Senate met at 11 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator McBride, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert A. Eaton, and Fred Aberle, both of Los Angeles.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ed Hamilton, San Luis Obispo.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gregory P. Maushart, District Attorney, Merced.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Horace Miller, Justice of the Peace, and President of Palo Verde Irrigation District; Don Underwood, Director, Palo Verde Irrigation District; John L. Thomas, rancher. All of Blythe.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 150

Senator Powers moved that Assembly Bill No. 150 be withdrawn from Committee on Education, and referred to Committee on Elections. Motion carried.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 17, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointments, and respectfully request your confirmation thereof and consent thereto:

DEWITT NELSON, a resident of Sacramento; State Forester; member of the California State Communications Advisory Board since October 17, 1947; to the California State Communications Advisory Board (representing state fire services), vice self, for the term prescribed by law, ending December 31, 1952.

CLIFFORD E. PETERSEN, a resident of Sacramento; former Chief of Police, City of San Diego; member of the California State Communications Advisory Board since October 17, 1947;

to the California State Communications Advisory Board (representing state law enforcement services), vice self, for the term prescribed by law, ending December 31, 1952.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 17, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointment, and respectfully request your confirmation thereof and consent thereto:

EDWIN L. CARTY, a resident of Oxnard; Mayor of Oxnard; past president of the Southern California Council of Conservation Clubs; member of the Fish and Game Commission since April 27, 1948;

to the Fish and Game Commission, vice self, for the term prescribed by law, ending January 19, 1955.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 17, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointment, and respectfully request your confirmation thereof and consent thereto:

CORNELIUS J. HAGGERTY, a resident of Los Angeles; Secretary, California State Federation of Labor; member of the State Board of Education since June 18, 1945; to the State Board of Education, vice self, for the term prescribed by law, ending January 15, 1953.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 18, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointments, and respectfully request your confirmation thereof and consent thereto:

J. A. GUTHRIE, a resident of San Bernardino; publisher; member of the Advisory Board of the Automobile Club of Southern California; Member of the California Highway Commission since September 14, 1943;

to the California Highway Commission, vice self, for the term prescribed by law, ending January 15, 1953.

CHESTER H. WARLOW, a resident of Fresno; business executive; member of the California Highway Commission since September 14, 1943;

to the California Highway Commission, vice self, for the term prescribed by law, ending January 15, 1953.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 18, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointment, and respectfully request your confirmation thereof and consent thereto:

BYRON ATKINSON, a resident of Los Angeles; Assistant Coordinator of Veterans Affairs, University of California at Los Angeles; member of the State Board of Education since June 18, 1945;

to the State Board of Education, vice self, for the term prescribed by law, ending January 15, 1953.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 17, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 72

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, January 17, 1949

MR. PRESIDENT: The Committee on Public Utilities, to which was referred:

Senate Bill No. 205

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 7; committee vote: Ayes 6; noes 0; absent 1.

DESMOND, Chairman

MOTION TO READ SENATE BILL NO. 205 SECOND TIME

Senator Desmond moved that Senate Bill No. 205 be given second reading at this time for the purpose of adopting committee amendments.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 205—An act to add Section 974 to the Municipal Utility District Act, relating to municipal utility districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Utilities:

Amendment No. 1

In line 2 of the title of the printed bill, after "districts" insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 2

In line 3 of the printed bill, strike out "A district" and insert "Any district operating utility works and having a population of not more than five hundred thousand".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

CONSIDERATION OF DAILY FILE**UNFINISHED BUSINESS****CONSIDERATION OF ASSEMBLY AMENDMENTS**

Senate Concurrent Resolution No. 14—Relative to the creation of the Joint Legislative Committee on Lending Transactions.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 14?

Amendment No. 1

On page 2 of the printed measure, between lines 13 and 14, insert

"4.5. The committee is expressly authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of the committee is authorized and empowered to administer oaths, and all of the provisions of Chapter 4, Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to the committee."

Amendment No. 2

On page 2, line 34, of the printed measure, strike out "ten thousand dollars (\$10,000)" and insert "twenty thousand dollars (\$20,000)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 14 by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—36.

NOES—None.

Above resolution ordered enrolled.

Senate Concurrent Resolution No. 19—Relative to the creation of the Joint Economic Survey Committee.

MOTION TO RE-REFER SENATE CONCURRENT RESOLUTION NO. 19

Senator Swing moved that Senate Concurrent Resolution No. 19 be re-referred to Committee on Agriculture.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill No. 72—An act to amend Section 2191.5 of the Business and Professions Code, relating to applications to the Board of Osteopathic Examiners of the State of California for physicians' and surgeons' certificates, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—38.

NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 18, 1949

MR. PRESIDENT: The Committee on Rules to which was referred the message from the Governor, dated January 12, 1949; appointing

HAROLD P. HULS, to the Public Utilities Commission, vice self, for the term prescribed by law, ending January 1, 1955;

KENNETH POTTER, to the Public Utilities Commission, vice self, for the term prescribed by law, ending January 1, 1955;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Salsman moved that the Senate confirm and consent to the appointment of Harold P. Huls as a member of the Public Utilities Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of Harold P. Huls?"

The roll was called, with the following result:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—32.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Harold P. Huls as a member of the Public Utilities Commission.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Salsman moved that the Senate confirm and consent to the appointment of Kenneth Potter as a member of the Public Utilities Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of Kenneth Potter?"

The roll was called, with the following result:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—33.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Kenneth Potter as a member of the Public Utilities Commission.

Chief Assistant Secretary Cleve V. Taylor at the Desk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 18, 1949

MR. PRESIDENT: The Committee on Rules has appointed Senators Keating, Rich, and Coombs to serve as members from the Senate on the Joint Legislative Committee on Lending Transactions under the terms of Senate Concurrent Resolution No. 14.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, January 18, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Resolution No. 33

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator Salsman asked for, and was granted, unanimous consent to take up Senate Resolution No. 33, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 33

Senate Resolution No. 33

Relative to the continuance of the Senate Interim Committee on Aviation

Resolved by the Senate of the State of California, As follows:

1. The Senate Interim Committee on Aviation created by Senate Resolution No. 144 of the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, and to file a final report not later than the last legislative day.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of eight thousand four hundred eighty dollars and fifty cents (\$8,480.50) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 144

Senator Salsman moved that Senate Bill No. 144 be withdrawn from Committee on Judiciary, and referred to Committee on Revenue and Taxation.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 271

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 271—An act to amend Section 2 of an act entitled "An act to provide for the relocation of a portion of State Highway Route 5 in Santa Clara County, making an appropriation therefor, and declaring the urgency hereof, to take effect immediately," approved July 17, 1947, relating to relocation of a portion of State Highway Route 5, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

Assembly Joint Resolution No. 2—Relative to memorializing the President and the Congress of the United States in relation to two irrigation canals to supply water from the Sacramento River to areas in Northern California.

Referred to Committee on Water Resources.

INTRODUCTION. FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time :

Senate Bill No. 304: By Senator Busch—An act to amend Section 1382 of the Penal Code, relating to the dismissal of criminal actions for delay in bringing a case to trial.

Referred to Committee on Judiciary.

Senate Bill No. 305: By Senator Busch—An act to amend Section 1601 of the Probate Code, relating to notices and procedure.

Referred to Committee on Judiciary.

Senate Bill No. 306: By Senator Busch—An act to amend Section 1461 of the Probate Code, relating to the appointment of guardians for insane or incompetent persons.

Referred to Committee on Judiciary.

Senate Bill No. 307: By Senator O'Gara—An act to amend Section 619 of the Vehicle Code, relating to headlamps on motor vehicles.

Referred to Committee on Transportation.

Senate Bill No. 308: By Senator O'Gara—An act to add Section 1908.1 to the Harbors and Navigation Code, relating to police protection, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

Senate Bill No. 309: By Senator O'Gara—An act making an appropriation to the Board of State Harbor Commissioners to reimburse the City and County of San Francisco for contributions made by the city and county to the retirement fund in relation to fire protection of the San Francisco waterfront.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 310: By Senator O'Gara—An act to amend Section 1908 of the Harbors and Navigation Code, relating to fire protection.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 311: By Senator O'Gara—An act to amend Section 1908 of the Harbors and Navigation Code, relating to fire protection.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 312: By Senator O'Gara—An act making an appropriation to the Board of State Harbor Commissioners for maintenance of fire boats, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 313: By Senator Desmond—An act to amend Section 39 of the Unemployment Insurance Act, relating to employer's contributions

Referred to Committee on Social Welfare.

Senate Bill No. 314: By Senator Desmond—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds of public bodies, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Judiciary.

Senate Bill No. 315: By Senator Desmond—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds of public bodies.

Referred to Committee on Judiciary.

Senate Bill No. 316: By Senator Crittenden—An act making an appropriation to the Department of Agriculture for the purpose of extending market news service.

Referred to Committee on Agriculture.

Senate Bill No. 317: By Senator Salsman—An act declaring all buildings or places, other than private dwellings, used or resorted to for purposes of public gambling to be nuisances, and providing for the abatement and prevention of such nuisances by injunction and otherwise.

Referred to Committee on Judiciary.

Senate Bill No. 318: By Senator Sutton—An act to amend Sections 9802, 9807, and 12143.5 of the Education Code and to add Sections 9802.1, 9807.2, and 9807.3 to said code, all relating to the education of mentally retarded minors.

Referred to Committee on Education.

Senate Bill No. 319: By Senator Sutton—An act to amend Sections 7102.1 and 7104 of the Education Code, relating to the excess cost of educating mentally retarded minors.

Referred to Committee on Education.

Senate Bill No. 320: By Senator Salsman—An act to repeal Sections 6309 and 6360 of the Education Code, and to amend Sections 6303, 6306, and 6361 of said code, relating to school district budgets.

Referred to Committee on Education.

Senate Bill No. 321: By Senator Brown—An act to amend Section 28157 of the Government Code, relating to compensation for public services in counties of the fifty-seventh class.

Referred to Committee on Local Government.

Senate Bill No. 322: By Senator Salsman—An act to add Section 20454.1 to the Education Code, relating to the giving of bonds in connection with the maintenance of Reserve Officer Training Corps units at state colleges, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 323: By Senators Watson, Hatfield, Mayo, Busch, Keating, Williams, Brown, and Sutton—An act to amend Section 1065 of the Fish and Game Code, relating to the taking and use of sardines, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Fish and Game.

Senate Bill No. 324: By Senator Dorsey—An act to add Section 31519 to the Government Code, relating to establishment of and changes in county employees' retirement system.

Referred to Committee on Local Government.

Senate Bill No. 325: By Senator Dorsey—An act to amend Section 8961.3 of the Health and Safety Code, relating to the powers of public cemetery districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 326: By Senator Dorsey—An act to amend Section 4731 of the Health and Safety Code, relating to the board of directors of county sanitation districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 327: By Senator O'Gara—An act authorizing the Board of State Harbor Commissioners to purchase fire boats from the City and County of San Francisco, to provide fire protection for its property in San Francisco harbor and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 328: By Senator Regan—An act to amend Section 4004 of the Public Resources Code, relating to state fire prevention and suppression.

Referred to Committee on Natural Resources.

Senate Bill No. 329: By Senator McBride—An act to add Chapter 12, comprising Sections 4950.01 to 4950.48, inclusive, to Division 2 of the Business and Professions Code, relating to the practice of naturopathy.

Referred to Committee on Business and Professions.

Senate Bill No. 330: By Senator Judah—An act to amend Sections 20017, 20021.5, 20023, 20025, 20060, 20203, 20208, 20333, 20335, 20393, 20461.5, 20532, 20563, 20580, 20583, 20630, 20654, 20655, 20656, 20750.1, 20750.2, 20750.3, 20750.4, 20867, 20894.1, 21029, 21032, 21033, 21250, 21251, 21257, 21257.1, 21258, 21295, 21364, 21366, and 21454 of the Government Code, to repeal Sections 20654.5, 20750, 21455, and Article 2.5, comprising Sections 21000 to 21002, inclusive of Chapter 8

of Part 3 of Division 5 of Title 2 thereof, and to add Sections 20609.1, 20685, 20750.5, 21251.15, 21261, and 21262 thereto and Article 4, comprising Sections 21100 to 21103, inclusive, to Chapter 8 of Part 3 of Division 5 of Title 2 thereof, all relating to the State Employees' Retirement System.

Referred to the Committee on Governmental Efficiency.

Senate Bill No. 331: By Senator Judah—An act to repeal Section 20750 of, to amend Sections 20750.1, 20750.2, 20750.3, and 20750.4 of, and to add Section 20750.5 to, the Government Code, relating to the State's contribution to the retirement fund, in respect to certain classes of members, in connection with the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 332: By Senator Judah—An act to amend Section 20981 of the Government Code, relating to the compulsory retirement age for state miscellaneous members, in connection with the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 333: By Senator Judah—An act to amend Section 21361 of the Government Code, relating to death benefits payable to members of the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 334: By Senator Judah—An act to amend Section 21362 of the Government Code, relating to the manner of payment of the basic death benefit payable under the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 335: By Senator Judah—An act to add Section 21251.3 to the Government Code, revising the benefits payable with respect to certain classes of retired members, in connection with the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 336: By Senator Judah—An act to add Section 20334.1 to the Government Code, relating to exclusions from membership in the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 337: By Senator Judah—An act to amend Sections 20023 and 20024 of, and to add Section 20024.2 to, the Government Code, relating to the definition of "compensation earnable" and "final compensation," and revising the benefits payable with respect to certain classes of members, including those who have retired prior to the effective date hereof, in connection with the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 338: By Senator Judah—An act to amend Section 21253 of, to add Section 21253.01 to, and to repeal Section 21255 of, the Government Code, relating to the State Employees' Retirement System, revising the prior service pension payable therefrom with respect to certain classes of members, including those who have retired prior to the effective date hereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 339: By Senator Judah—An act to amend Sections 20920, 20921, and 20922 of the Government Code, relating to crediting members with state service for time employed in federal service, under certain conditions, in connection with the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 340: By Senator Judah—An act to add Sections 20654.6 to 20654.95 inclusive, to the Government Code, relating to the redeposit of contributions in connection with the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 341: By Senator Judah—An act to amend Sections 20025, 21250, and 21251 of, and to add Sections 20024.1 and 20685 to, the Government Code, relating to the State Employees' Retirement System, the contributions required thereunder, and the benefits payable therefrom.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 342: By Senator Tenney—An act to amend Section 1 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and to amend Section 34302 of the Government Code, relating to the incorporation of cities.

Referred to Committee on Local Government.

Senate Bill No. 343: By Senator Tenney—An act to add Chapter 7.5 to Division 2 of the Business and Professions Code, relating to hearing aid devices and providing for the regulating thereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 344: By Senator Dilworth—An act to amend Section 8783 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

Senate Constitutional Amendment No. 9: By Senator Collier—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 5 to Article XXVI thereof, relating to motor vehicle taxation and revenues.

Referred to Committee on Revenue and Taxation.

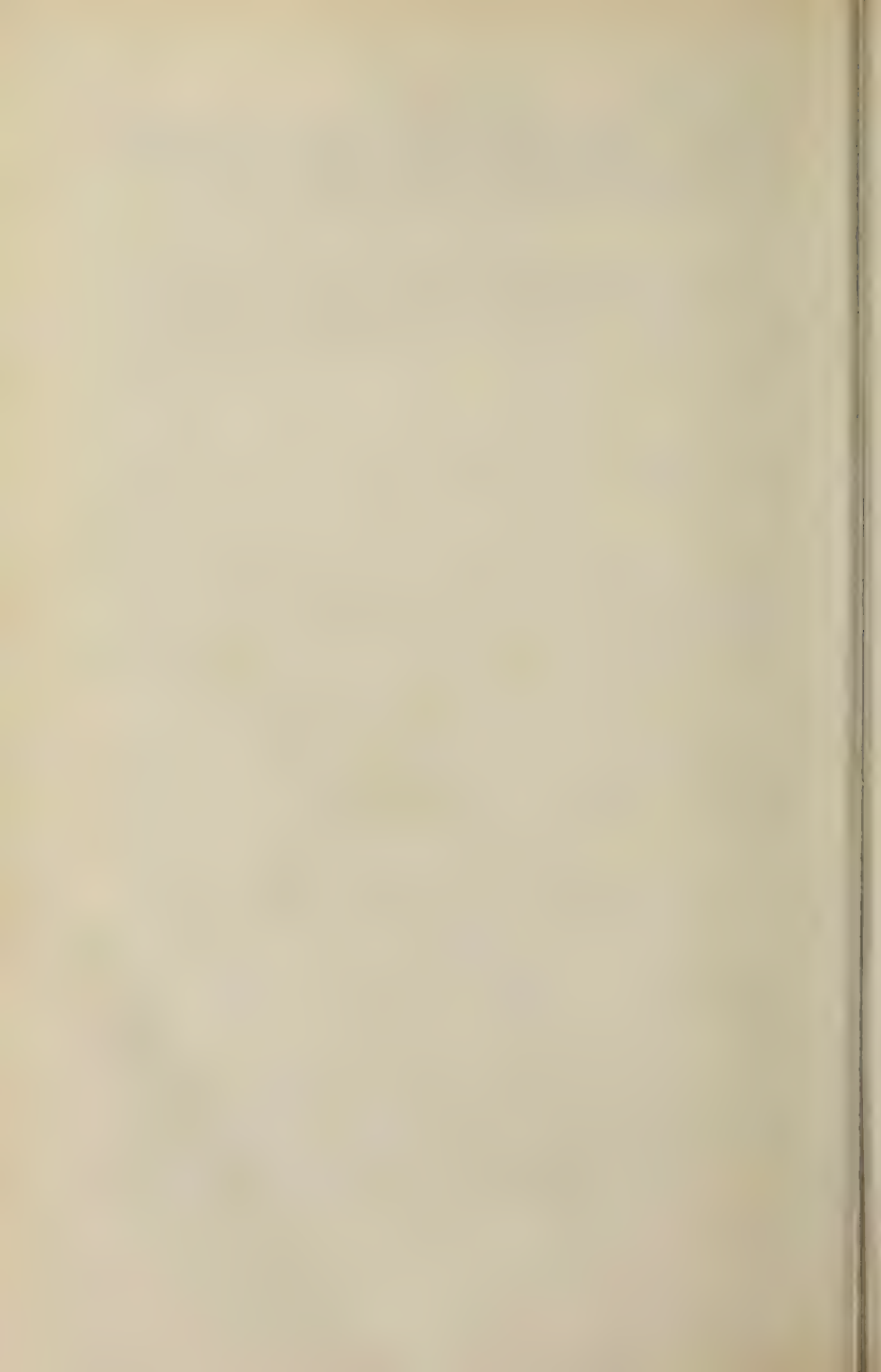
Senate Constitutional Amendment No. 10: By Senator Collier—
A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 5 to Article XXVI thereof, relating to motor vehicle taxation and revenues.

Referred to Committee on Revenue and Taxation.

ADJOURNMENT

At 11.45 a.m., on motion of Senator Salsman, the President declared the Senate adjourned until 11 a.m., Wednesday, January 19, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTEENTH LEGISLATIVE DAY

SEVENTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, January 19, 1949

The Senate met at 11 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator McBride, on motion of Senator Powers due to legislative business.

Senator Williams, on motion of Senator Powers due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Glenn V. Walls, Member of the Unemployment Insurance Appeals Board.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Freeman Parkerson, Junction City, Kansas, and Mrs. James Fisher of Vallejo.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Walter Packer, Alhambra.

On request of Senators Abshire and Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Arthur Cohn of Santa Rosa.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Verne Wilcox, instructor of the Gridley Union High School, and the following students of the class on American Government: John Anglen, Ronald Anstead, Lawrence Butcher, Lloyd Dolan, Donald Dosser, Eugene Enos, James Fife, Bobby Freeman, Brice Gibbs, Edward Glover, Orval Gordon, George Graves, Worth Handley, J. H. Hardy, Dan Hendrix, John Hills, Donald Holcomb, John Ingram, Hal Jensen, Floyd Keen, Dale Lively, Glen Lockhart, G. R. Loughmiller, Ian McVarish, Bob Powers, Don Prather, Lester Ramsey, Ralph Rowley, Donald Shirley, Alan Stickler, Milton Stewart, Jimmy Tibbs, Donald Tipton, Carl Waters, Lee Watkins, James Wheeler, Gene Williams, Ivan Pike, Lee Mathes, Edgar Brubaker, Bonnie Barnes, Wanda Barnes, Yvonne Billingsley, Fay Brokaw, Effie Cameron, Genevieve Cardoza, Nadene Clegg, Juanita Coe, Sylvia Cooper, Erma Creekmore, NeDean Davis, Dorothy DeHoff, Betty Dillard, Margaret Fullwood, Thelma Halkas, Idonna Hepworth, Linda Hepworth, Virginia Hill, Lyda Horn, Anna Hudson, Evelyn Jones, Barbara King, Geneva Lee, Edith Little, Shirley Medici, Betty Muncy, Karmen Newell, Eleanor Panecaldo, Geraldine Ritter, Rosalie Thomas, Virginia Triplett, Verda Walton, Letha Waters, Shirley Wedin, Helen Wheeler, Francis Whiteside, Imogene Wilson, Dolores Zeller, Ruth Claypool, and Irene Hughes.

Chief Assistant Secretary Cleve V. Taylor at the Desk

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 16

Senate Concurrent Resolution No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 143

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 21
Assembly Concurrent Resolution No. 22
Assembly Concurrent Resolution No. 23
Assembly Concurrent Resolution No. 24
Assembly Concurrent Resolution No. 25
Assembly Concurrent Resolution No. 26
Assembly Concurrent Resolution No. 27
Assembly Concurrent Resolution No. 28

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 143—An act to amend Section 252 of the Revenue and Taxation Code, relating to affidavits for exemption and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Concurrent Resolution No. 21—Relative to reports of the annual conventions of the Jewish War Veterans.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 22—Relative to reports of the annual conventions of the Military Order of the Purple Heart.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 23—Relative to reports of the annual conventions of the American Veterans of World War II (AMVETS).

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 24—Relative to reports of the department encampments and the annual encampments or conventions of the United Spanish-American War Veterans.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 25—Relative to reports of the annual conventions of the American Legion.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 26—Relative to the reports of the sessions of the department encampment of the Grand Army of the Republic.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 27—Relative to reports of the annual conventions or encampments of the Veterans of Foreign Wars of the Department of California.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 28—Relative to the report of the annual convention of the Disabled American Veterans of the Department of California.

Referred to Committee on Rules.

Assembly Joint Resolution No. 8—Relative to providing a veterans' hospital at San Diego.

Referred to Committee on Military and Veterans Affairs.

REPORTS OF STANDING COMMITTEES

Committee on Elections

SENATE CHAMBER, SACRAMENTO, January 18, 1949

MR. PRESIDENT: The Committee on Elections, to which was referred:
Assembly Bill No. 150

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 0; absent 4.

WEYBRET, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, January 18, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:
Senate Resolution No. 34

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 8; noes 0; absent 1.

JESPERSEN, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, January 18, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:
Assembly Bill No. 8
Assembly Bill No. 23

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; noes 0; absent 1.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 19, 1949

MR. PRESIDENT: The Committee on Rules has examined:
Senate Bill No. 205

And reports the same correctly engrossed.

POWERS, Chairman

RESOLUTIONS

The following resolutions were offered :

By Senators Ward and Gibson :

Senate Resolution No. 36

Relative to commemorating the natal day of a distinguished Senator
in a convivial fashion

WHEREAS, Today marks the date when another year must admit its failure to impress its mark upon the pink and eternally youthful countenance of one member of this Senate, and pass that impossible task on to still another year; and

WHEREAS, All are born young, some, like mothers and scout leaders, have youth thrust upon them, but few, like our colleague, achieve youthfulness in greater measure with each passing year; and

WHEREAS, While the Senate joyously accepts the invitation which this senior sage of sweet sixteen appearance has and will extend, to celebrate with lengthy libations and convivial company the annual defeat of Father Time, it has some doubts that he will be able to convince the skeptical servants of Bacchus that he has reached the age where it is lawful to purchase such cheerful concoctions; now, therefore, be it

Resolved by the Senate of the State of California, That the members of the Senate joyfully join in extending their heartiest congratulations to their esteemed friend and colleague, that perennial Peter Pan, the sagacious sage of Santa Cruz, H. R. Judah, on this anniversary of his birthday.

Resolution read, and on motion of Senator Ward, and seconded by Senator Gibson, was unanimously adopted.

By Senator Judah :

Senate Resolution No. 37

Relative to the continuance of the Senate Interim Committee on a State Training
School for Boys and for Girls

Resolved by the Senate of the State of California, As follows :

1. The Senate Interim Committee on a State Training School for Boys and for Girls created by Senate Resolution No. 126 of the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, and to file a final report not later than the last legislative day.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of one thousand five hundred dollars (\$1,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—31

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 19, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Senate Joint Resolution No. 5

Senate Concurrent Resolution No. 22

Senate Concurrent Resolution No. 23

Senate Concurrent Resolution No. 24

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5; noes 0; absent 0.

POWERS, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, January 19, 1949

MR. PRESIDENT: The Committee on Rules to which was referred the message from the Governor, dated January 18, 1949, appointing

J. A. GUTHRIE, to the California Highway Commission, vice self, for the term prescribed by law, ending January 15, 1953;

CHESTER H. WARLOW, to the California Highway Commission, vice self, for the term prescribed by law, ending January 15, 1953;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR

Motion to Confirm Appointments by the Governor

Senator Swing moved, and seconded by Senator Mayo, that the Senate confirm and consent to the appointments of J. A. Guthrie and Chester H. Warlow as members of the California Highway Commission.

The President put the question, "Will the Senate confirm and consent to the appointments of J. A. Guthrie and Chester H. Warlow?"

The roll was called, with the following result:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulce, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—33.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointments of J. A. Guthrie and Chester H. Warlow as members of the California Highway Commission.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 19, 1949

MR. PRESIDENT: The Committee on Rules to which was referred the message from the Governor, dated January 17, 1949, appointing

PAUL A. MARLANT, to the Agricultural Prorate Advisory Commission (representing the prune and apricot growers), vice self, for the term prescribed by law, ending January 1, 1953;

IRA REDFERN, to the Agricultural Prorate Advisory Commission (representing the grape growers), vice self, for the term prescribed by law, ending January 1, 1953;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR**Motion to Confirm Appointments by the Governor**

Senator Hugh M. Burns moved that the Senate confirm and consent to the appointment of Paul A. Mariani and Ira Redfern as members of the Agricultural Prorate Advisory Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of Paul A. Mariani and Ira Redfern?"

The roll was called, with the following result:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—34.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Paul A. Mariani and Ira Redfern as members to the Agricultural Prorate Advisory Commission.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 345: By Senator Mayo—An act to amend Section 26901 of the Water Code, relative to the inclusion of land in irrigation districts.

Referred to Committee on Water Resources.

Senate Bill No. 346: By Senator Breed—An act to add Section 6356.5 to the Revenue and Taxation Code, relating to the exemption from the sales and use taxes of property purchased for use or consumption outside the United States aboard vessels.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 347: By Senator Hatfield—An act to amend Section 13143 of the Health and Safety Code, relating to preparation and adoption of fire safety regulations.

Referred to Committee on Public Health and Safety.

Senate Bill No. 348: By Senator Johnson—An act making an appropriation to the Division of Beaches and Parks for the establishment and development of the old Overland Emigrant Trail as part of the California Riding and Hiking Trails Project.

Referred to Committee on Finance.

Senate Bill No. 349: By Senator Regan—An act to amend Section 25305 of the Government Code, relating to county-owned automobiles.

Referred to Committee on Local Government.

Senate Bill No. 350: By Senator Hatfield—An act to add Chapter 13 to Division 3 of the Business and Professions Code, relating to the regulation and licensing of water well drillers.

Referred to Committee on Business and Professions.

Senate Bill No. 351: By Senator Swing—An act to amend Section 261b, as added by Chapter 1031 of the Statutes of 1943, of the Code of Civil Procedure, relating to fees for phonographic reporters.

Referred to Committee on Judiciary.

Senate Bill No. 352: By Senator Collier—An act to amend Section 13 of, and to add Section 13.2 to, the Construction and Employment Act, relating to projects for which the county allocation thereunder is available, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 353: By Senator Hatfield—An act to amend Section 21 of the Fish and Game Code, relating to powers and duties of the Fish and Game Commission.

Referred to Committee on Fish and Game.

Senate Bill No. 354: By Senator Crittenden—An act to add Section 467 to the Vehicle Code, relating to traffic signs, signals and markings.

Referred to Committee on Transportation.

Senate Bill No. 355: By Senator Tenney—An act to add Section 9546 to the Business and Professions Code, relating to cleaning and dyeing establishments and requiring the filing of cleaners and dyers marks and systems of marking.

Referred to Committee on Business and Professions.

Senate Bill No. 356: By Senator Salsman—An act to amend Section 1083 of the Military and Veterans' Code, relating to admission to the Woman's Relief Corps Home.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 357: By Senator Hatfield—An act to amend Section 19539 of the Business and Professions Code, relating to harness horse racing.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 358: By Senator Hatfield—An act to amend Section 1300.13 of the Agricultural Code, relating to the marketing of agricultural products.

Referred to Committee on Agriculture.

Senate Bill No. 359: By Senator Hatfield—An act to amend Section 34 of the Agricultural Code, relating to the powers and duties of the Director of Agriculture.

Referred to Committee on Agriculture.

Senate Bill No. 360: By Senator Hatfield—An act to amend Section 1262 of the Agricultural Code, relating to produce dealers.

Referred to Committee on Agriculture.

Senate Bill No. 361: By Senator Hatfield—An act to amend Section 260 of the Agricultural Code, relating to animals.

Referred to Committee on Agriculture.

Senate Bill No. 362: By Senator Hatfield—An act to amend Section 511 of the Agricultural Code, relating to money collected by the Department of Agriculture.

Referred to Committee on Agriculture.

Senate Bill No. 363: By Senator Hatfield—An act to amend Section 464 of the Agricultural Code, relating to milk products.

Referred to Committee on Agriculture.

Senate Bill No. 364: By Senator Hatfield—An act to amend Section 784.8 of the Agricultural Code, relating to fruit, nut, and vegetable standards.

Referred to Committee on Agriculture.

Senate Bill No. 365: By Senator Hatfield—An act to amend Section 135 of the Agricultural Code, relating to plant quarantine and pest control.

Referred to Committee on Agriculture.

Senate Bill No. 366: By Senator Hatfield—An act to amend Section 205.5 of the Agricultural Code, relating to animal diseases.

Referred to Committee on Agriculture.

Senate Bill No. 367: By Senator Hatfield—An act to repeal Sections 89.5, 89.6, 89.7, and 89.8 of the Agricultural Code, relating to the powers of district agricultural associations and counties in relation to property and funds for fair purposes.

Referred to Committee on Agriculture.

Senate Bill No. 368: By Senator Ward—An act to amend Section 76 of the Unemployment Insurance Act, relating to administration of unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 369: By Senator Ward—An act to amend Section 957 of the Welfare and Institutions Code, relating to state reimbursement of counties for juvenile homes and camps.

Referred to Committee on Social Welfare.

Senate Bill No. 370: By Senator Ward—An act to amend Sections 214, 254, and 255 of the Revenue and Taxation Code, relating to the welfare exemption.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 371: By Senator Parkman—An act to add Section 10953.95 to the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 372: By Senator O'Gara—An act to amend Section 261b, as added by Chapter 1031 of the Statutes of 1943 and amended by Chapter 544 of the Statutes of 1947, of the Code of Civil Procedure, relating to the increasing of said filing and appearance fees from three

dollars \$3 to five dollars \$5 in addition to any other fees now required by law.

Referred to Committee on Judiciary.

Senate Bill No. 373: By Senator Ward—An act to amend Section 1093 of the Penal Code, relating to the order of trial in criminal cases.
Referred to Committee on Judiciary.

Senate Bill No. 374: By Senator Ward—An act to amend Section 57 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 375: By Senator Ward—An act to amend Section 58 of the Unemployment Insurance Act, relating to disqualification for benefits.

Referred to Committee on Social Welfare.

Senate Bill No. 376: By Senator Watson—An act to add Section 597 to the Fish and Game Code, relating to the harvesting of kelp.

Referred to Committee on Fish and Game.

Senate Bill No. 377: By Senator Ward—An act to add Section 59 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 378: By Senator Ward—An act to amend Section 311 of the Unemployment Insurance Act, relating to benefits.

Referred to Committee on Social Welfare.

Senate Bill No. 379: By Senator Ward—An act to amend Section 67 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 380: By Senator Ward—An act to amend Section 754 of the Probate Code, relating to decedents' estates.

Referred to Committee on Judiciary.

Senate Bill No. 381: By Senator Jadhav—An act to amend Sections 7416, 10375, and 10473 and to repeal Section 10377 of the Health and Safety Code, relating to death certificates.

Referred to Committee on Public Health and Safety.

Senate Bill No. 382: By Senator Dorsey—An act to authorize the Director of Finance to convey all rights, title and interest of the State of California in and to certain real property in the County of Kern.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 383: By Senator O'Gara—An act to prevent unfair competition and unfair trade practices in the sale of cigarettes; to prohibit the sales of cigarettes below cost with intent to injure competitors or for the purpose of using the same as a loss leader; to protect

and stabilize the collection of taxes on the sale of cigarettes and revenues from the licensing of persons engaged in the sale of cigarettes; to confer powers and impose duties on the State Board of Equalization and on persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; to authorize the State Board of Equalization to adopt and enforce unfair trade practice regulations; to provide remedies and impose penalties for violations of this act.

Referred to Committee on Business and Professions.

Senate Bill No. 384: By Senator Desmond—An act to amend Section 390 of the Penal Code, relating to railway crossing warning.

Referred to Committee on Judiciary.

Senate Bill No. 385: By Senator Desmond—An act to amend Section 56 of the Alcoholic Beverage Control Act, relating to the use of services of minors.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 386: By Senator Desmond—An act to amend Sections 451, 452, 455.7, 456, 459, and 460 of the Unemployment Insurance Act, relating to unemployment compensation disability insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 387: By Senator Desmond—An act to amend Sections 612 and 633 of the Agricultural Code, relating to the addition of mineral salts of a kind natural to milk products.

Referred to Committee on Agriculture.

Senate Bill No. 388: By Senator Desmond—An act to amend Section 483 of the Vehicle Code, relating to striking an unattended vehicle.

Referred to Committee on Judiciary.

Senate Bill No. 389: By Senator Desmond—An act to add Section 452.5 to the Unemployment Insurance Act, relating to unemployment compensation disability insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 390: By Senator Desmond—An act to amend Section 626 of the Agricultural Code, relating to skim milk.

Referred to Committee on Agriculture.

Senate Bill No. 391: By Senator Dilworth—An act to amend Section 12133 of the Education Code, and to add Section 12133.1 to said code, relating to the minimum standards for credentials authorizing supervision of instruction.

Referred to Committee on Education.

Senate Joint Resolution No. 6: By Senator Drobish—Relative to memorializing the President and the Congress of the United States in relation to two irrigation canals to supply water from the Sacramento River to areas in Northern California.

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS

Senate Bill No. 205—An act to add Section 974 to the Municipal Utility District Act, relating to municipal utility district, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jepsen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, and Watson—31.

NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jepsen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Swing, Tenney, Ward, and Watson—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Motion to Read Bills Second Time

Senator Powers moved that all bills reported from committee be given a second reading.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 150—An act to amend Sections 122, 230, 2571, 5620, and 5623 of the Elections Code, Sections 1810, 1812, 1824, 22376, 22378, and 22692 of the Education Code, and Sections 34324 and 34051 of the Government Code, relating to registration and residence of electors, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 8—An act to provide for the establishment of a state college in the area of Orange County and the southeastern part of Los Angeles County, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 23—An act to amend Sections 10200, 10201, 10202, 10203, 10204 and to repeal Section 10205 of the Education Code, relating to automobile driver education and automobile driver training, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to have the following opinion of the Legislative Counsel regarding "Funds available for payment of Warrants for Security Issued Pursuant to Article XXV of the Constitution" printed in the Journal.

Opinion of Legislative Counsel

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, January 18, 1949

Hon. Ralph E. Swing
Senate Chamber

Funds Available for Payment of Warrants for Security Issued Pursuant to
Article XXV of the Constitution—No. 2611

DEAR SENATOR SWING: You have asked us to advise you briefly as to the extent to which state revenues derived from sources that permit their use for general purposes, but which are now deposited in what are designated funds or reserves in the State Treasury or which have been appropriated or earmarked for specific purposes, may be used for the payment of warrants issued to the needy aged and needy blind, for "security" pursuant to Article XXV of the Constitution.

There is no fundamental constitutional reason why all revenues from general sources (such as fish and game license fees, the motor vehicle fuel tax, horse racing fees, oil and gas royalties, etc., as distinguished from license fees collected for purely regulatory purposes) should not be placed in the General Fund.

The fact that some of these revenues have been earmarked by statute in one manner or another or appropriated for specific purposes creates no vested rights nor is there any legal obligation that such earmarking or appropriation continue. Except as to revenues that have been earmarked by the Constitution itself (e.g., fish and game revenues by Section 25½ of Article IV and motor vehicle fuel taxes by Article XXVI, and the mandate in Section 15 of Article XIII that moneys shall first be set apart for support of the public schools) the Legislature may at any time abolish any such fund or repeal any of these appropriations and either reappropriate the revenue for another purpose or provide that it shall be placed in the General Fund.

Appropriations that have been made from the General Fund to reserves, for construction of public works, etc., may subsequently be repealed and the money appropriated used for a different purpose.

Section 10 of Article XXV of the Constitution makes an appropriation of the amounts required for payment of the allowances provided by the article for security to the needy aged and needy blind. The appropriation does not restrict the source from which warrants drawn pursuant thereto shall be paid. It is, in effect, a direction to the State Treasurer to pay such warrants out of any money in the treasury that may lawfully be used for that purpose. This constitutional appropriation, enacted by the people, is an "overriding" appropriation of the general revenues of the State and all statutory appropriations or earmarking are secondary thereto. As to these revenues, it accomplishes what the Legislature could have done and makes all such money in the State Treasury a proper source for payment of security warrants regardless of how they may be designated or may have heretofore been appropriated, except insofar as portions thereof have been otherwise appropriated or earmarked by the Constitution itself.

The order in which such revenues in the treasury will be taken to pay such warrants, if needed for that purpose, would logically seem to be as follows:

(a) Money in the General Fund.

(b) Money that has been earmarked by reason of being placed in a fund or reserve and which is either not appropriated at all or which has been appropriated only in such general terms that it is not presently expendable—such as the Revenue Deficiency Reserve, unappropriated money in the Postwar Employment Reserve, and the money transferred thereto from the General Fund by Section 4 of the Budget Act of 1948, and the Bond Sinking Fund of 1943.

(c) Money in funds that have been appropriated for general purposes subject to allocation for specific purposes—such as that portion of the "second balance" of the Fair and Exposition Fund provided by Section 19626 of the Business and Professions Code to be allocated for permanent improvements for fair purposes by the Director of Finance, the Wildlife Restoration Fund, and the Flood Control Fund of 1946.

(d) General revenue in special funds that cannot be expended because it has not been currently appropriated by annual budget acts—such as balances in the State Beach Fund and State Park Fund.

(e) Money appropriated for specific purposes such as the appropriated money in the Postwar Employment Reserve and the unencumbered balances of appropriated money in any of the various funds, reserves, or accounts derived from general revenue sources.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLYN, Deputy

ADJOURNMENT

At 12.05 p.m., on motion on Senator Powers, the President declared the Senate adjourned until 11 a.m., Thursday, January 20, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FOURTEENTH LEGISLATIVE DAY

EIGHTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, January 20, 1949

The Senate met at 11 a.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator McBride, on motion of Senator Salsman, due to legislative business.

Senator Gibson, on motion of Senator Salsman, due to legislative business.

Senator Kraft, on motion of Senator Keating, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Sanborn Young of Los Gatos.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Pat Maginn and George A. Jarrett of San Francisco.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dave Cavagnaro and Eugene Webber.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Floyd Lowe of Palo Alto.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Hunt of Buellton.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 15

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 58

Assembly Bill No. 59

Assembly Bill No. 60

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 27

Assembly Bill No. 476

Assembly Bill No. 477

Assembly Bill No. 527

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 58—An act to amend Section 1 of the Municipal Court Act of 1925, relating to municipal courts, to take effect immediately.

Referred to Committee on Judiciary.

Assembly Bill No. 59—An act to add Section 11e to the Municipal Court Act of 1925, relative to municipal courts and attaches thereof, to take effect immediately.

Referred to Committee on Judiciary.

Assembly Bill No. 60—An act to amend Section 1 of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, creating a new class of cities to be known as cities of the four and seven-eighths class, and to provide for their organization, to take effect immediately.

Referred to Committee on Judiciary.

Assembly Bill No. 27—An act making an appropriation for support of the Department of the California Highway Patrol for the 1948-49 Fiscal Year, providing for the transfer of such appropriation, to take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 476—An act making an appropriation in augmentation of the appropriation in Item 337 of the Budget Act of 1948, for support of the Department of Social Welfare, and amending Section 124 of the Welfare and Institutions Code, relating to availability of appropriations, to take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 477—An act making an appropriation in augmentation of the appropriation in Item 144 of the Budget Act of 1948, for support of the State Controller, to take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 527—An act making an appropriation for the purpose of increasing the salaries of state employees, to be expended during the 1948-49 Fiscal Year, to take effect immediately.

Referred to Committee on Finance.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 31

Assembly Concurrent Resolution No. 33

Assembly Concurrent Resolution No. 35

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 7

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Concurrent Resolution No. 31—Relative to approving a certain amendment to the charter of the City of San Jose, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 33—Relative to the continuance of the Legislative Constitutional Revision Committee.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 35—Relative to the seventy-fifth anniversary of Sacred Heart College High School.

Referred to Committee on Rules.

Assembly Joint Resolution No. 7—Relative to memorializing and petitioning the House of Representatives of the Congress of the United States to appoint a committee to investigate the mango fruit fly.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 19, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 14—Relative to the creation of the Joint Legislative Committee on Lending Transactions;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the nineteenth day of January, 1949, at 2.30 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, January 19, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 22

Senate Concurrent Resolution No. 23

Senate Concurrent Resolution No. 24

Senate Joint Resolution No. 5

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, January 20, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 269

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 0; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, January 20, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Assembly Concurrent Resolution No. 19

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 8; noes 0; absent 3.

SWING, Chairman

Above reported resolution ordered to third reading.

RESOLUTIONS

The following resolutions were offered:

By Senator Brown:

Senate Resolution No. 38

Resolved, That the following named person he and she is hereby appointed to the position hereinafter set forth as provided by law with the compensation set opposite her name, payable weekly seven days per week, beginning Thursday, January 20, 1949, and the Controller is hereby directed to draw his warrants in favor of the individual named at the compensation herein set forth, and the Treasurer is hereby directed to pay the same.

Name	Position	Per Diem
Vernice Perhus	Assistant-at-desk	\$10 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish,

Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—33.
 NOES—None.

By Committee on Rules:

Senate Resolution No. 39

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of the Secretary of the Senate in the sum of one thousand dollars (\$1,000) for postage, and the Treasurer is directed to pay the same.

POWERS, Chairman

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 20, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 21
 Assembly Concurrent Resolution No. 22
 Assembly Concurrent Resolution No. 23
 Assembly Concurrent Resolution No. 24
 Assembly Concurrent Resolution No. 25
 Assembly Concurrent Resolution No. 26
 Assembly Concurrent Resolution No. 27
 Assembly Concurrent Resolution No. 28

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, January 20, 1949

MR. PRESIDENT: The Committee on Rules to which was referred the message from the Governor, dated January 17, 1949, appointing

EDWIN L. CARTY, to the Fish and Game Commission, vice self, for the term prescribed by law, ending January 15, 1955:

Has had the same under consideration, and respectfully reports the same back and recommends that the appointment of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Salsman moved that the Senate confirm and consent to the appointment of Edwin L. Carty as a member of the Fish and Game Commission.

Will the Senate confirm and consent to the appointment of Edwin L. Carty?"

The roll was called, with the following result:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Edwin L. Carty as a member of the Fish and Game Commission.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, JANUARY 20, 1949

MR. PRESIDENT: The Committee on Rules to which was referred the message from the Governor, dated January 17, 1949, appointing

DEWITT NELSON to the California State Communications Advisory Board (representing state fire services), vice self, for the term prescribed by law, ending December 31, 1952;

CLIFFORD E. PETERSON, to the California State Communications Advisory Board (representing state law enforcement services), vice self, for the term prescribed by law, ending December 31, 1952;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR**Motion to Confirm Appointments by the Governor**

Senator Salsman moved that the Senate confirm and consent to the appointments of DeWitt Nelson and Clifford E. Peterson as members of the California State Communications Advisory Board.

The President put the question, "Will the Senate confirm and consent to the appointment of DeWitt Nelson and Clifford E. Peterson?"

The roll was called, with the following result:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Hartfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—34.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointments of DeWitt Nelson and Clifford E. Peterson as members of the California State Communications Advisory Board.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, JANUARY 20, 1949

MR. PRESIDENT: The Committee on Rules to which was referred the message from the Governor, dated January 17, 1949, appointing

BYRON ATKINSON, to the State Board of Education, vice self, for the term prescribed by law, ending January 15, 1953;

CORNELIUS J. HAGGERTY, to the State Board of Education, vice self, for the term prescribed by law, ending January 15, 1953;

Has had the same under consideration and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR**Motion to Confirm Appointments by the Governor**

Senator Salsman moved that the Senate confirm and consent to the appointment of Byron Atkinson and Cornelius J. Haggerty as members of the State Board of Education.

The President put the question, "Will the Senate confirm and consent to the appointment of Byron Atkinson and Cornelius J. Haggerty?"

The roll was called, with the following result:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Byron Atkinson and Cornelius J. Haggerty as members of the State Board of Education.

RESOLUTIONS

The following resolution was offered:

By Senator Regan:

Senate Resolution No. 40

Relative to the creation of a Senate Committee on Public Lands

WHEREAS, In a report by the Committee on Public Lands of the Eightieth Congress it is stated that, in the year 1937, 37 percent of the total lands in the State of California were owned by the Federal Government and that by June 12, 1947, the total lands owned by the Federal Government in the State of California equaled 46 percent of the total area of the State; and

WHEREAS, In addition to such land an ever increasing acreage is owned or is being acquired by the State of California; and

WHEREAS, Such property in most instances is not subject to taxation by the taxing agencies of local governments and results in the imposition of an excessive and inequitable tax burden being imposed on taxpayers in such local governmental subdivisions; and

WHEREAS, There is, and has been, a demand by the citizens of this State for a critical re-examination of this entire subject and of the fiscal responsibilities of the Federal and State Governments to local governments because of ownership of property within the boundary of such local governments; and

WHEREAS, It is necessary that the Legislature be fully informed on all phases of this problem in order to enable it to take appropriate action; now, therefore, be it

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Public Lands is hereby created and authorized and directed to ascertain, study and analyze all facts relating to public lands and the state, federal and local governmental relationships involved therein, including, but not limited to the effect of such public acquisition, ownership and jurisdiction, upon tax levied or leviable by the state and by local governmental units within the State; and all other facts relating to or bearing upon the subject of this resolution including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1951 Regular Session, with authority to file its final report not later than the fifteenth legislative day of the next regular general session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(f) To meet, act and conduct its business at any place within this State or within the United States in performing the duties imposed upon it by this resolution.

G. The sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

Chief Assistant Secretary Cleve V. Taylor at the Desk

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution No. 22—Relative to the continuance of the Legislative Centennial Committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 23—Relative to the sale of the Fresno State College campus.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 24—Relative to the Y. M. C. A. Model Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Resolution No. 34

Relating to the work of the California Teachers Association and the Santa Monica Classroom Teachers Association

WHEREAS, In these critical days of world unrest it is vital that America maintain her devotion to the traditional freedoms and democratic principles that have made her great; and

WHEREAS, The only sure means of safeguarding liberty and future progress is the maintenance of our free, representative form of popular government established by our American Constitution; and

WHEREAS, The California Teachers Association, acutely aware and proud of the role teachers play in promoting in youth a respect for and a devotion to the American traditions, is conducting a state-wide program dedicating anew the more than fifty thousand members of the teaching profession in California to their responsibilities; and

WHEREAS, The Santa Monica Classroom Teachers Association set the pattern for this program by arranging for the proclamation and observance of Loyalty Week to coincide with American Education Week; and

WHEREAS, The teachers of Santa Monica voluntarily reaffirmed their devotion to the American ideals and principles by again taking the oath each had signed upon becoming a teacher; and

WHEREAS, Upon invitation of the Santa Monica teachers virtually every group, club, association, business and religious organization in the community and thousands of citizens likewise reaffirmed their loyalty by taking the Teachers Oath of Loyalty; and

WHEREAS, The California Teachers Association, in urging that teacher groups throughout the State likewise demonstrate their position of leadership in stimulating American loyalty, is rendering outstanding service to the ideals of Americanism; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate of California does heartily commend the officers and members of the California Teachers Association and the Santa Monica Classroom Teachers Association for their devotion to American ideals, and their signal service to the communities of the State; and, be it further

Resolved, That the Secretary of the Senate be and he is hereby instructed to have suitably prepared copies of this resolution transmitted to the California Teachers Association and the Santa Monica Classroom Teachers Association.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—34.

NOES—None.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 150—An act to amend Sections 122, 230, 2571, 5620, and 5623 of the Elections Code, Sections 1810, 1812, 1824, 22376, 22378, and 22692 of the Education Code, and Sections 34324 and 34051 of the Government Code, relating to registration and residence of electors, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Weybret.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—Senator Miller—1.

The roll was called and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—Senator Miller—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 8—An act to provide for the establishment of a state college in the area of Orange County and the southeastern part

of Los Angeles County, declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Dilworth.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 23—An act to amend Sections 10200, 10201, 10202, 10203, 10204, and to repeal Section 10205 of the Education Code, relating to automobile driver education and automobile driver training, declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Salsman.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Weybret, and Williams—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 20, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 36

ARTHUR A. OINIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 36—Approving the charter of the City of Redondo Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of January, 1949.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 36, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 36

Assembly Concurrent Resolution No. 36—Approving the charter of the City of Redondo Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the fourth day of January, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Ditworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32
NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 20, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 295

Assembly Bill No. 383

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **RANDAL F. DICKEY, JR.**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 20, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 20

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **RANDAL F. DICKEY, JR.**, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 295—An act to add a new division to the Vehicle Code, to be numbered 9b, relating to the regulation, control and policing of vehicles and vehicular traffic on privately owned toll bridges and the approaches thereto, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

Assembly Bill No. 383—An act to amend Section 1 of an act entitled "An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts," approved July 1, 1937, as amended, and to amend Section 53737 of the Government Code, relating to capital outlays by cities, counties, cities and counties, or districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

Assembly Concurrent Resolution No. 20—Relative to the creation of the Joint Legislative Committee on Small Loans.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 83

Senate Bill No. 100

ARTHUR A. OIINIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 3

ARTHUR A. OIINIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 20, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 16—Relative to honoring Robert Mathias;

Senate Concurrent Resolution No. 17—Relative to the continuance of the Joint Committee on Water Problems;

Senate Joint Resolution No. 2—Relative to Big Oak Flat Road;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the twentieth day of January, 1949, at 11 a.m.

POWERS, Chairman

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 392: By Senator Desmond—An act to amend Sections 737.5 and 737.7 of the Agricultural Code, relating to marketing of fluid milk and fluid cream.

Referred to Committee on Agriculture.

Senate Bill No. 393: By Senator Desmond—An act to amend Sections 730.2, 731, 733, and 734 of, and to add a new Article 3, consisting of Section 734.5 to, the Agricultural Code, relating to the marketing of milk and other dairy products.

Referred to Committee on Agriculture.

Senate Bill No. 394: By Senator McBride—An act to amend Section 1 of an act entitled "An act to provide a stenographer and typist for judges of the superior courts and providing for their salaries and the payment thereof," approved May 31, 1927, relating to superior court stenographers and secretaries.

Referred to Committee on Local Government.

Senate Bill No. 395: By Senator Hatfield—An act to amend Section 1278 of the Fish and Game Code, relating to fees to be charged for deer tags.

Referred to Committee on Fish and Game.

Senate Bill No. 396: By Senators Dilworth, Weybret, and Watson—An act to amend Section 5410 and to add Sections 5406, 5407, 5408,

5409, and 5427.1 to the Health and Safety Code, relating to water contamination and public health.

Referred to Committee on Public Health and Safety.

Senate Bill No. 397: By Senators Dilworth, Weybret, and Watson—An act to amend Section 226 of the Water Code, relating to powers of the Department of Public Works concerning investigations and reports as to sources of water supply.

Referred to Committee on Water Resources.

Senate Bill No. 398: By Senator Salsman—An act to amend Section 11151 of the Education Code, relating to teachers' manuals for use in kindergarten schools.

Referred to Committee on Education.

Senate Bill No. 399: By Senator Johnson—An act to amend Section 4650 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 400: By Senator Johnson—An act to amend Section 57 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 401: By Senator Breed—An act to amend Sections 11540 and 11541 of the Business and Professions Code, relating to subdivision maps.

Referred to Committee on Business and Professions.

Senate Bill No. 402: By Senator Watson—An act to add Section 1065a to the Fish and Game Code, relating to the taking and use of sardines.

Referred to Committee on Fish and Game.

Senate Bill No. 403: By Senator Watson—An act to add Section 1067a to the Fish and Game Code, relating to the taking and use of sardines.

Referred to Committee on Fish and Game.

Senate Bill No. 404: By Senator Michael J. Burns—An act to add Section 20344.2 to the Education Code, relating to the education in state colleges of persons in the service of the Federal Government.

Referred to Committee on Education.

Senate Bill No. 405: By Senator Keating—An act to amend Section 14191 of, and to add Article 6.5, comprising Sections 14195 to 14195.4, inclusive, to Chapter 8, Part 8, Division 2 of, the Revenue and Taxation Code, relating to the compromise of death taxes.

Referred to Committee on Judiciary.

Senate Bill No. 406: By Senator Keating—An act to add Article 6.7, comprising Sections 14197 to 14197.13, inclusive, to Chapter 8, Part 8, Division 2, of the Revenue and Taxation Code, relating to the interstate arbitration of death taxes.

Referred to Committee on Judiciary.

Senate Bill No. 407: By Senator Keating—An act to add Article 4, comprising Sections 1953 to 1953d, inclusive, to Chapter 3, Title 2, Part 4 of the Code of Civil Procedure, relating to composite reports as evidence.

Referred to Committee on Judiciary.

Senate Bill No. 408: By Senator Keating—An act to add Article 2a, comprising Sections 1928.5 to 1928.9, both inclusive, to Chapter 3 of Title 2 of Part 4 of the Code of Civil Procedure, relating to official reports as evidence.

Referred to Committee on Judiciary.

Senate Bill No. 409: By Senator Brown—An act to amend Section 2009.1 of the Government Code, relating to the definition of public agencies authorized to become local members of the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 410: By Senator Michael J. Burns—An act to amend Section 7377 of the Political Code, relating to the salary of superior judges in and for the County of Humboldt.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 411: By Senators Keating and Miller—An act to add Chapter 7 to Division 20 of the Health and Safety Code, relating to acts affecting fire protection agencies.

Referred to Committee on Public Health and Safety.

Senate Bill No. 412: By Senators Regan, Ward, and Keating—An act to amend Section 5075 and to add Sections 5076.1 and 5076.2 to the Penal Code, relating to the Adult Authority.

Referred to Committee on Judiciary.

Senate Bill No. 413: By Senators Regan, Ward, and Keating—An act to amend Section 3049 of the Penal Code, relating to minimum imprisonment.

Referred to Committee on Judiciary.

Senate Bill No. 414: By Senators Regan, Ward, and Keating—An act to add Section 2900.1 to the Penal Code, relating to term of imprisonment.

Referred to Committee on Judiciary.

Senate Bill No. 415: By Senators Regan, Ward, and Keating—An act to amend Section 2724 of the Penal Code, relating to prison made goods, and making the resale for personal profit by a purchaser thereof a misdemeanor.

Referred to Committee on Judiciary.

Senate Bill No. 416: By Senators Regan, Ward, and Keating—An act to amend Section 5005 of the Penal Code, relating to the maintenance of canteens in prisons and institutions.

Referred to Committee on Judiciary.

Senate Bill No. 417: By Senators Regan, Ward, and Keating—An act to repeal Chapter 5.5 consisting of Sections 6035, 6036, and 6037,

of Title 7 of Part 3 of the Penal Code and to amend Section 6025 of the Penal Code and to add Sections 6025.1 and 6025.2 to the Penal Code, relating to the state correctional system.

Referred to Committee on Judiciary.

Senate Bill No. 418: By Senators Regan, Ward, and Keating—An act to amend Sections 5077 and 5079 of the Penal Code, relating to the state correctional system.

Referred to Committee on Judiciary.

Senate Bill No. 419: By Senators Regan, Ward, and Keating—An act to repeal Section 2728 of, and to amend Section 2055 of, the Penal Code, relating to insuring prison made goods and the raw materials from which they are made.

Referred to Committee on Judiciary.

Senate Bill No. 420: By Senators Regan, Ward, and Keating—An act to amend Section 2082 of the Penal Code, relating to the distribution of identification data concerning prisoners to identification bureaus.

Referred to Committee on Judiciary.

Senate Bill No. 421: By Senators Regan, Ward, and Keating—An act to amend Sections 5091 and 5093 of the Penal Code, relating to the production of goods by institutions subject to the jurisdiction of the Correctional Industries Commission.

Referred to Committee on Judiciary.

Senate Bill No. 422: By Senators Regan, Ward, and Keating—An act to amend Section 2722 of the Penal Code, relating to the sale of jute goods.

Referred to Committee on Judiciary.

Senate Bill No. 423: By Senators Desmond, O'Gara, Coombs, Tenney, Keating, Regan, Salsman, Busch, and Crittenden—An act to add an article heading for Article 1 and to add Article 2 comprising Section 956 to Chapter 1 of Title 2 of Part 3 of Division 2 of, and Section 3333.5 to the Civil Code; and to amend Sections 376 and 377 of the Code of Civil Procedure; and to amend Sections 573 and 707 of the Probate Code; and to amend Section 402 of the Vehicle Code; and to amend Section 11580 of the Insurance Code; all relating to actions for personal injury and actions for wrongful death generally, and the survival of such actions.

Referred to Committee on Judiciary.

Senate Bill No. 424: By Senators Regan, Ward, and Keating—An act to amend Section 2700 of the Penal Code, relating to compensation of prisoners.

Referred to Committee on Judiciary.

Senate Bill No. 425: By Senators Regan, Ward, and Keating—An act to repeal Section 2712 of, and to amend Section 2729 of, the Penal Code, relating to employment of prisoners.

Referred to Committee on Judiciary.

Senate Bill No. 426: By Senators Regan, Ward, and Keating—An act to amend Section 2726 of the Penal Code, relating to prison made goods.

Referred to Committee on Judiciary.

Senate Bill No. 427: By Senators Regan, Ward, and Keating—An act to amend Section 2870 of the Penal Code, relating to marking of prison made goods.

Referred to Committee on Judiciary.

Senate Bill No. 428: By Senators Regan, Ward, and Keating—An act to amend Section 2085 of, and to add Section 5060 to, the Penal Code, relating to disposition of moneys and valuables of prisoners.

Referred to Committee on Judiciary.

Senate Bill No. 429: By Senators Keating, Busch, Regan, and Ward—An act to add Section 5060 to the Penal Code, relating to the powers of the Director of Corrections, providing for a scientific study and research of the problems of abnormal sexual and psychopathic criminals, and making an appropriation therefor.

Referred to Committee on Judiciary.

Senate Bill No. 430: By Senator Collier—An act to amend Section 51 (a) of the Public Utilities Act.

Referred to Committee on Public Utilities.

Senate Constitutional Amendment No. 11: By Senator Tenney—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of Article IV thereof, relating to senatorial and assembly districts.

Referred to Committee on Governmental Efficiency.

RESOLUTIONS

The following resolution was offered:

By Senator Cunningham:

Senate Resolution No. 41

Relative to the birthday anniversary of Senator Bradford S. Crittenden

WHEREAS, This twentieth day of January, 1949, is the anniversary of the birth date of Senator Bradford S. Crittenden, who, by reason of his long and unbroken service to the people of the State of California as a Member of this Senate, has the deep and lasting friendship of his colleagues and the distinction of being Dean of the Legislature of California; now, therefore, be it

Resolved by the Senate of the State of California, That Senator Bradford S. Crittenden is congratulated upon his extraordinary record of long and distinguished service to this State and in this Senate, and to him are extended the warm good wishes and felicitations of his colleagues here upon the occasion of his birthday anniversary; and be it further

Resolved, That the Secretary of the Senate is requested to have prepared and presented to Senator Crittenden a suitably engrossed copy of this resolution.

Resolution read, and on motion of Senator Cunningham, was unanimously adopted.

ADJOURNMENT

At 12.12 p.m., on motion of Senator Keating, the President declared the Senate adjourned until 10 a.m., Friday, January 21, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTEENTH LEGISLATIVE DAY

NINETEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, January 21, 1949

The Senate met at 10 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Miller, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—32.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Hugh M. Burns, on motion of Senator Powers, due to legislative business.

Senator Keating, on motion of Senator Powers, due to legislative business.

Senator Kraft, on motion of Senator Powers, due to legislative business.

Senator McBride, on motion of Senator Powers, due to legislative business.

Senator O'Gara, on motion of Senator Powers, due to legislative business.

Senator Regan, on motion of Senator Powers, due to legislative business.

Senator Weybret, on motion of Senator Powers, due to legislative business.

Senator Mayo, on motion of Senator Collier, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Dilworth and Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Angela Burgess, Donald Burgess and Carol Burgess, all of Tujunga.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Marie Bonnett, member of the School Board at Riverside.

On request of Senators Collier and McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ward Daniels, Larry Husen and John A. Lagomarsino, all of Ventura.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator James Wilfred McKinley of Los Angeles.

On request of Senators Donnelly and Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Donna Stephens of Colusa, guest of Miss Rosemary Donnelly, daughter of Senator Donnelly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 37

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 37—Relative to the preservation of the interest of the State and its people in state waters.

Request for Unanimous Consent

Senator Powers asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 37, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 37

Assembly Concurrent Resolution No. 37—Relative to the preservation of the interest of the State and its people in state waters.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Crittenden, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Judah, Parkman, Powers, Sutton, Swing, Tenney, Watson, and Williams—22.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senators Dilworth and Tenney:

Senate Resolution No. 42

Relative to the work of the American Legion, Department of California

WHEREAS, In this postwar period of world adjustment it is of the greatest importance that America remain clear and firm in her devotion to the traditional freedoms that have made possible our economic progress and material development, unexcelled at any time in the history of the world; and

WHEREAS, The only sure means of safeguarding liberty and future progress is the maintenance of our free, representative form of popular government established by our American Constitution; and

WHEREAS, The Department of California of the American Legion in its annual state conventions has directed each of its numerous local posts to undertake a vigorous program of virile Americanism, including:

Active service to disabled veterans, returning servicemen and the widows and orphans of deceased servicemen;

Cooperation with all schools in educational activities, patriotic essays and oratorical contests and presentation of medals for school awards;

Sponsorship and assistance to Reserve Officer Training Corps, Boy Scouts, Red Cross, USO, and Community Chests;

Support and promotion of Boy Scout troops, junior baseball teams and community recreation programs and child welfare activities;

Educational program on respect for the Flag and Flag Day services;

Opposition to subversive activities and subversive textbooks, and support of state and national programs for combating un-Americanism;

Arranging recognition of the historic ideals of America through observance of the birthdays of George Washington and Abraham Lincoln, and the anniversary of the Constitution;

Sponsoring a reverent regard for the memory of our warrior dead of all wars in tribute to their supreme sacrifice by appropriate community services on Armistice Day and Memorial Day; and

WHEREAS, The Glendale Post No. 127 of Glendale has rendered outstanding service in this Americanism program of the American Legion and was selected by the department convention for honor and recognition; now, therefore, be it

Resolved by the Senate of the State of California. That the Senate of California does heartily commend the officers and members of this post for their devotion to American ideals, and their signal service to their community; and, be it further

Resolved. That a copy of this resolution be prepared for presentation at the State Convention of the American Legion.

Resolution read, and referred to Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, JANUARY 20, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 143

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 0; absent 5.

PARKMAN, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, JANUARY 20, 1949

MR. PRESIDENT: The Committee on Finance, to which were referred:

Assembly Bill No. 27

Assembly Bill No. 476

Assembly Bill No. 477

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; noes 0; absent 2.

RICH, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 21, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Senate Joint Resolution No. 6

Assembly Joint Resolution No. 7

Assembly Concurrent Resolution No. 31

Assembly Concurrent Resolution No. 33

Assembly Concurrent Resolution No. 35

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 4; committee vote: Ayes 4; noes 0; absent 1.

POWERS, Chairman

Above reported resolutions ordered to third reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 269—An act to amend Section 1 of, and to add Section 1.5 to, an act entitled "An act providing that the State of California enter into a compact with the States of Oregon and Washington, one or both, to promote the better utilization of the fisheries, marine, shell, and anadromous of the Pacific Seaboard, and to create the Pacific Marine Fisheries Commission; providing for the members of such commission from the State of California; providing for the administration of the provisions of said compact; and making an appropriation," approved July 17, 1947, relating to the termination of a Pacific Marine Fisheries compact, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 21—Relative to reports of the annual conventions of the Jewish War Veterans.

Resolution read, and presented by Senator Salsman.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Crittenden, Desmond, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Judah, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 22—Relative to reports of the annual conventions of the Military Order of the Purple Heart.

Resolution read, and presented by Senator Salsman.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Coombs, Crittenden, Desmond, Dilworth, Dorsey, Hatfield, Hulse, Jespersen, Johnson, Miller, Parkman, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 23—Relative to reports of the annual conventions of the American Veterans of World War II (AMVETS).

Resolution read, and presented by Senator Salsman.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dilworth, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Miller, Parkman, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 24—Relative to reports of the department encampments and the annual encampments or conventions of the United Spanish-American War Veterans.

Resolution read, and presented by Senator Salsman.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Miller, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 25—Relative to reports of the annual conventions of the American Legion.

Resolution read, and presented by Senator Salsman.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Crittenden, Cunningham, Dilworth, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Miller, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 26—Relative to the reports of the sessions of the department encampment of the Grand Army of the Republic.

Resolution read, and presented by Senator Salsman.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Gibson, Hatfield, Hulse, Jespersen, Johnson, Miller, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 27—Relative to reports of the annual conventions or encampments of the Veterans of Foreign Wars of the Department of California.

Resolution read, and presented by Senator Salsman.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Miller, Parkman, Powers, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 28—Relative to the report of the annual convention of the Disabled American Veterans of the Department of California.

Resolution read, and presented by Senator Salsman.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Dorsey, Gibson, Hatfield, Jespersen, Johnson, Miller, Parkman, Powers, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 431: By Senators Coombs, O'Gara, and Hatfield—An act to amend Section 13196 of the Government Code, relating to use of water of the Napa State Farm.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 432: By Senator Salsman—An act to add Article 2.5 to Chapter 2 of Division 10 of the Education Code, relating to state college advisory boards.

Referred to Committee on Education.

Senate Bill No. 433: By Senator Salsman—An act to amend Section 20383 of the Education Code, and to add Section 20383.5 to said code, relating to leaves of absence of state college employees.

Referred to Committee on Education.

Senate Bill No. 434: By Senator Hugh M. Burns—An act to add Chapter 5 to Division 3 of the Health and Safety Code, relating to the regulation of the humane use of animals for diagnosis and treatment of human and animal diseases, for research in the advancement of veterinary, dental, medical and biologic sciences, animal and human nutrition, improvement and standardization of laboratory procedures, and to provide for the issuance, suspension and revocation of licenses by the State Department of Public Health relating to the use of animals for medical research.

Referred to Committee on Public Health and Safety.

Senate Bill No. 435: By Senator Desmond—An act to add Section 29 to the American River Flood Control District Act, relating to the acquisition of additional flood control works for operation, repair and maintenance and the assessment of property benefited by those works.

Referred to Committee on Water Resources.

Senate Bill No. 436: By Senator Hatfield—An act to amend Section 5 of the California Water District Act, relating to districts organized under said act.

Referred to Committee on Water Resources.

Senate Bill No. 437: By Senators Hatfield and Judah—An act to amend Section 11611 of the Business and Professions Code, relating to streets and easements in real estate subdivisions.

Referred to Committee on Local Government.

Senate Bill No. 438: By Senator Crittenden—An act to amend Section 1300.1a of the Agricultural Code, to provide a graduated scale of bonding requirements for processor buyers of farm products.

Referred to Committee on Agriculture.

Senate Bill No. 439: By Senator Crittenden—An act to add Section 1157 to the Agricultural Code, to provide a priority for producers of farm commodities among the general creditors of a bankrupt in the distribution of the estate of the bankrupt.

Referred to Committee on Agriculture.

Senate Bill No. 440: By Senator Crittenden—An act to amend Sections 1265 and 1266 of the Agricultural Code to provide a graduated scale of bonding requirements for commission merchants and dealers in farm products.

Referred to Committee on Agriculture.

Senate Bill No. 441: By Senator Collier—An act to amend Section 1247 of the Code of Civil Procedure, relating to proceedings in eminent domain.

Referred to Committee on Judiciary.

Senate Bill No. 442: By Senator Collier—An act to amend Section 374 of, and to repeal Sections 162 and 374.5 of, and to add Section 374.5 to, the Vehicle Code, relating to exemptions of and liability for fees of publicly owned vehicles.

Referred to Committee on Transportation.

Senate Bill No. 443: By Senator Hugh M. Burns—An act to amend Section 44.1 of the Vehicle Code, relating to authorized emergency vehicles.

Referred to Committee on Transportation.

Senate Bill No. 444: By Senators Rich and Swing—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 445: By Senators Hugh M. Burns and Hatfield—An act to amend Sections 5082 and 5082.1 of the Business and Professions Code, relating to registration as public accountant.

Referred to Committee on Business and Professions.

Senate Bill No. 446: By Senator Hugh M. Burns—An act to amend Section 737j of the Political Code, relating to salaries of superior court judges in Fresno County.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 447: By Senator Hugh M. Burns—An act to add Section 66p to the Code of Civil Procedure, and to repeal an act entitled "An act to provide one additional judge of the Superior Court in the County of Fresno," approved June 3, 1921, relating to the number of superior court judges and providing for the appointment of two additional superior court judges in and for the County of Fresno.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 448: By Senator Hugh M. Burns—An act to repeal Chapter 11 of and to add Chapter 11 comprising Article 1 to 8, inclusive, and Sections 7500 to 7582, inclusive, to Division 3 of the Business and Professions Code, relating to private detectives, and to exempt certain persons from the requirement of obtaining a license under the provisions of the chapter.

Referred to Committee on Business and Professions.

Senate Bill No. 449: By Senator Hugh M. Burns—An act to authorize the Department of Finance to purchase property for Fresno State College and making an appropriation therefor.

Referred to Committee on Finance.

Senate Bill No. 450: By Senator Hugh M. Burns—An act to add Section 55.9 to the Alcoholic Beverage Control Act, relating to credit terms.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 451: By Senator Hugh M. Burns—An act to add Section 55.65 to the Alcoholic Beverage Control Act, relating to the sale of wine, requiring the making of fair trade contracts and the filing of selling and resale price lists in relation thereto, and governing the giving of discounts in connection with the sale of wine.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 452: By Senator Hugh M. Burns—An act to amend Sections 1403 and 1415 of the Health and Safety Code, relating to licensure of hospitals.

Referred to Committee on Public Health and Safety.

Senate Bill No. 453: By Senator Miller—An act to add Section 7209 to the Education Code, relating to the county school service fund.

Referred to Committee on Education.

Senate Bill No. 454: By Senator Collier—An act to amend Section 5392 of the Streets and Highways Code, relating to the Improvement Act of 1911.

Referred to Committee on Transportation.

Senate Bill No. 455: By Senator Collier—An act to repeal Section 372 of, and to add Section 372 to, the Vehicle Code, to repeal Part 4 comprising Sections 9601 to 10501, inclusive, of Division 2 of the Revenue and Taxation Code, and to add Part 4, comprising Sections 9601 to 10501, inclusive, to Division 2 of the Revenue and Taxation Code, relating to weight fees imposed on vehicles operated in this State.

Referred to Committee on Transportation.

Senate Bill No. 456: By Senator Collier—An act to amend Section 3 of the Escrow Act, relating to escrow agents and escrows.

Referred to Committee on Financial Institutions.

Senate Bill No. 457: By Senator Collier—An act to repeal Sections 750.1 and 750.2 of the Insurance Code and to add Section 750.5 thereto, relating to title insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 458: By Senator Weybret—An act to amend Section 5003 and the article heading of Article 5 of Chapter 1 of Title 1 of Part 3 of the Penal Code, and to add Article 6, comprising Sections 2046 to 2046.6, to Chapter 1 of Title 1 of Part 3 thereof, relating to institutions subject to the jurisdiction of the Department of Corrections, providing for the establishment of the Southern California Medium Security Prison and for the commitment and transfer of persons thereto and therefrom.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 459: By Senator Weybret—An act to add Section 1755.5 to the Welfare and Institutions Code, relating to the placement of persons under the jurisdiction of the Youth Authority in certain institutions under the jurisdiction of the Department of Corrections for study, diagnosis, and treatment, authorizing the Director of Corrections to receive and keep such persons therein, and providing for the status and rights of persons so placed.

Referred to Committee on Social Welfare.

Senate Bill No. 460: By Senator Weybret—An act to add Article 10, comprising Sections 1250 to 1257, inclusive, to Chapter 3 of Part 1 of Division 2 of the Welfare and Institutions Code, providing for the establishment of the California Youth Training School and the commitment and transfer of youthful offenders thereto and therefrom, declaring escape or attempted escape therefrom a crime.

Referred to Committee on Social Welfare.

Senate Bill No. 461: By Senator Donnelly—An act to add Section 12011.6 to, and to amend Sections 12024.5 and 12211 of, the Business and Professions Code, relating to containers and commodities therein.

Referred to Committee on Business and Professions.

Senate Bill No. 462: By Senator Donnelly—An act to add Section 12500.5 to, and to amend Section 12501 of, the Business and Professions Code, relating to weighing and measuring instruments.

Referred to Committee on Business and Professions.

Senate Bill No. 463: By Senator Donnelly—An act to amend Sections 12701, 12704, 12706, and 12707 of the Business and Professions Code, relating to public weighmasters.

Referred to Committee on Business and Professions.

Senate Bill No. 464: By Senator Donnelly—An act to amend Sections 20767 and 20773 of the Business and Professions Code, relating to motor fuel pump inspection and license fees.

Referred to Committee on Business and Professions.

Senate Bill No. 465: By Senator Donnelly—An act to amend Sections 20951 and 20952 of, and to add Section 20982 to, the Business and Professions Code, relating to petroleum products inspection and enforcement.

Referred to Committee on Business and Professions.

Senate Bill No. 466: By Senator Ward—An act to amend Section 44 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 467: By Senator Ward—An act to amend Section 45.12 of the Unemployment Insurance Act, relating to the release or subordination of liens.

Referred to Committee on Social Welfare.

Senate Bill No. 468: By Senator Ward—An act to add Section 32100.5 to the Health and Safety Code, relating to local hospital districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 469: By Senator Ward—An act to add Section 12.5 to an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, relating to water conservation districts.

Referred to Committee on Local Government.

Senate Bill No. 470: By Senator Dilworth—An act to amend Section 12126 of the Education Code, relating to credentials authorizing service in the public schools.

Referred to Committee on Education.

Senate Bill No. 471: By Senator Coombs—An act to amend Section 28135 of the Government Code, relating to compensation for public service in counties of the thirty-fifth class.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 472: By Senator McBride—An act to amend Section 13 of the County Waterworks District Act, relating to property and obligations of county waterworks districts.

Referred to Committee on Water Resources.

Senate Bill No. 473: By Senator Donnelly—An act to add Section 615 to the Streets and Highways Code, relating to state highways.

Referred to Committee on Transportation.

Senate Bill No. 474: By Senator Hatfield—An act to amend Section 12302 of the Government Code, relating to salaries of State Treasurer's assistants.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 475: By Senator Hatfield—An act to amend Section 1023 of, and to add Section 1023.1 to, the Agricultural Code, relating to fertilizing materials.

Referred to Committee on Agriculture.

Senate Bill No. 476: By Senator Hatfield—An act to add Section 10.7 to the County Highway Aid Act of 1945, relating to the expenditure of moneys for highways.

Referred to Committee on Transportation.

Senate Bill No. 477: By Senator Hatfield—An act to add Article 4 to Chapter 7 of Division 5 of the Agricultural Code, relating to hazardous materials for use in agricultural operations.

Referred to Committee on Agriculture.

Senate Bill No. 478: By Senator Hatfield—An act to amend Section 150 of the Agricultural Code, relating to pest control operators.

Referred to Committee on Agriculture.

Senate Bill No. 479: By Senator Swing—An act to add Section 3.1 to the San Bernardino County Flood Control Act, relating to the creation of special zones.

Referred to Committee on Local Government.

Senate Bill No. 480: By Senator Williams—An act to amend Section 332 of the Vehicle Code, relating to offenses against the license laws.

Referred to Committee on Transportation.

Senate Bill No. 481: By Senators Rich and Swing—An act to amend Section 3952 of the Revenue and Taxation Code, relating to actions by purchasers of tax-deeded property to determine adverse claims to, or clouds upon that property.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 482: By Senators Rich and Swing—An act to amend Section 3476a of the Political Code, relating to reclamation districts.

Referred to Committee on Local Government.

Senate Bill No. 483: By Senator Dillinger—An act to provide for the relief of the housing shortage by providing for the acquisition of low-cost portable housing units by the State and for the erection and management of such units and the construction of appurtenant facilities by local

governmental agencies pursuant to the agreements between such agencies and the State, prescribing the terms and conditions of such agreements, providing for the termination of the housing programs contemplated by this act, and making an appropriation.

Referred to Committee on Social Welfare.

Senate Bill No. 484: By Senator Hatfield—An act to amend Section 142 of the Vehicle Code, relating to registration of vehicles.

Referred to Committee on Transportation.

Senate Bill No. 485: By Senator Hatfield—An act to add Chapter 1a to Division 2 to, and to repeal Section 150 of, the Agricultural Code, relating to agricultural pest control operators.

Referred to Committee on Agriculture.

Senate Bill No. 486: By Senator Dillinger—An act to amend Sections 14305, 14379, 14382, 14401, 14402, 14601, 14606, 14610, 14612, 14613, 14632, 14639, 14641, 14669 of the Education Code, and to add Section 14314 and Section 14663.1 to said code, all relating to the State Teachers' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 487: By Senator Hatfield—An act making an appropriation to the Regents of the University of California for the Institute of Transportation and Traffic.

Referred to Committee on Finance.

Senate Bill No. 488: By Senator Hatfield—An act to amend Section 7001 of the Water Code, relating to joint use of conduits.

Referred to Committee on Water Resources.

Senate Bill No. 489: By Senator Hatfield—An act to add Section 372.1 to the Vehicle Code, relating to registration and license fees.

Referred to Committee on Transportation.

Senate Bill No. 490: By Senator Hatfield—An act to add Section 373.1 to the Vehicle Code, relating to registration and license fees.

Referred to Committee on Transportation.

Senate Bill No. 491: By Senator Ward—An act to amend Section 459 of the Vehicle Code, relating to regulatory powers of local authorities with respect to highway traffic.

Referred to Committee on Transportation.

Senate Bill No. 492: By Senator Ward—An act to amend Sections 511.2, 511.3, and 511.6 of the Vehicle Code, relating to speed limits upon highways.

Referred to Committee on Transportation.

Senate Bill No. 493: By Senator Ward—An act to add Section 48.5 to the Civil Code, relating to defamation by radio.

Referred to Committee on Judiciary.

Senate Bill No. 494: By Senator Breed—An act to repeal Section 5082.1 and to amend Sections 5060, 5061, 5082, and 5097 of the Business and Professions Code, relating to accountancy including the powers and duties of the State Board of Accountancy, the regulation of the practice of public accountancy, and the issuance of certificates of certified public accountant and of permits to practice public accountancy.

Referred to Committee on Business and Professions.

Senate Bill No. 495: By Senator Sutton—An act making an appropriation for the construction and maintenance of a state armory in the City of Willows, County of Glenn.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 496: By Senator Sutton—An act to amend Sections 608, 609, 613, 614, 616.2, 619, 620, and 620.5 of the Agricultural Code and to add Section 612.5, relating to cheese.

Referred to Committee on Agriculture.

Senate Bill No. 497: By Senator Dorsey—An act to amend Sections 749 and 751 of the Code of Civil Procedure, relating to the determination of conflicting claims to real property.

Referred to Committee on Judiciary.

Senate Bill No. 498: By Senator Parkman—An act to amend Section 2803 of the Elections Code, relating to state conventions.

Referred to Committee on Elections.

Senate Bill No. 499: By Senator Parkman—An act to amend Section 2804 of the Elections Code, relating to state central committees.

Referred to Committee on Elections.

Senate Bill No. 500: By Senator Parkman—An act to amend Section 2791 of the Elections Code, relating to state conventions.

Referred to Committee on Elections.

Senate Bill No. 501: By Senator Parkman—An act to amend Section 2792 of the Elections Code, relating to state conventions.

Referred to Committee on Elections.

Senate Bill No. 502: By Senator Parkman—An act to amend Section 2793 of the Elections Code, relating to state conventions.

Referred to Committee on Elections.

Senate Bill No. 503: By Senator Parkman—An act to amend Section 2802 of the Elections Code, relating to state central committees.

Referred to Committee on Elections.

Senate Joint Resolution No. 7: By Senator Hatfield—Relative to memorializing the Congress of the United States to enact legislation relating to the disposal of temporary war housing.

Referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT

Senator Drobish asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 6, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 6

Senate Joint Resolution No. 6—Relative to memorializing the President and the Congress of the United States in relation to two irrigation canals to supply water from the Sacramento River to areas in Northern California.

Resolution read.

Passed on file for the purpose of amendment.

REQUEST FOR UNANIMOUS CONSENT

Senator Salsman asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 31, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 31

Assembly Concurrent Resolution No. 31—Relative to approving a certain amendment to the charter of the City of San Jose, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948.

Resolution read, and presented by Senator Salsman.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, January 21, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Assembly Bill No. 87

Assembly Bill No. 383

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; noes 0; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 425

Assembly Bill No. 479

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States in relation to agricultural compositions and extensions under the Federal Bankruptcy Law.

Referred to Committee on Rules.

Assembly Bill No. 425—An act to amend Section 781 of the Vehicle Code, relating to disposition and transfer of moneys from the Motor Vehicle Fund, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

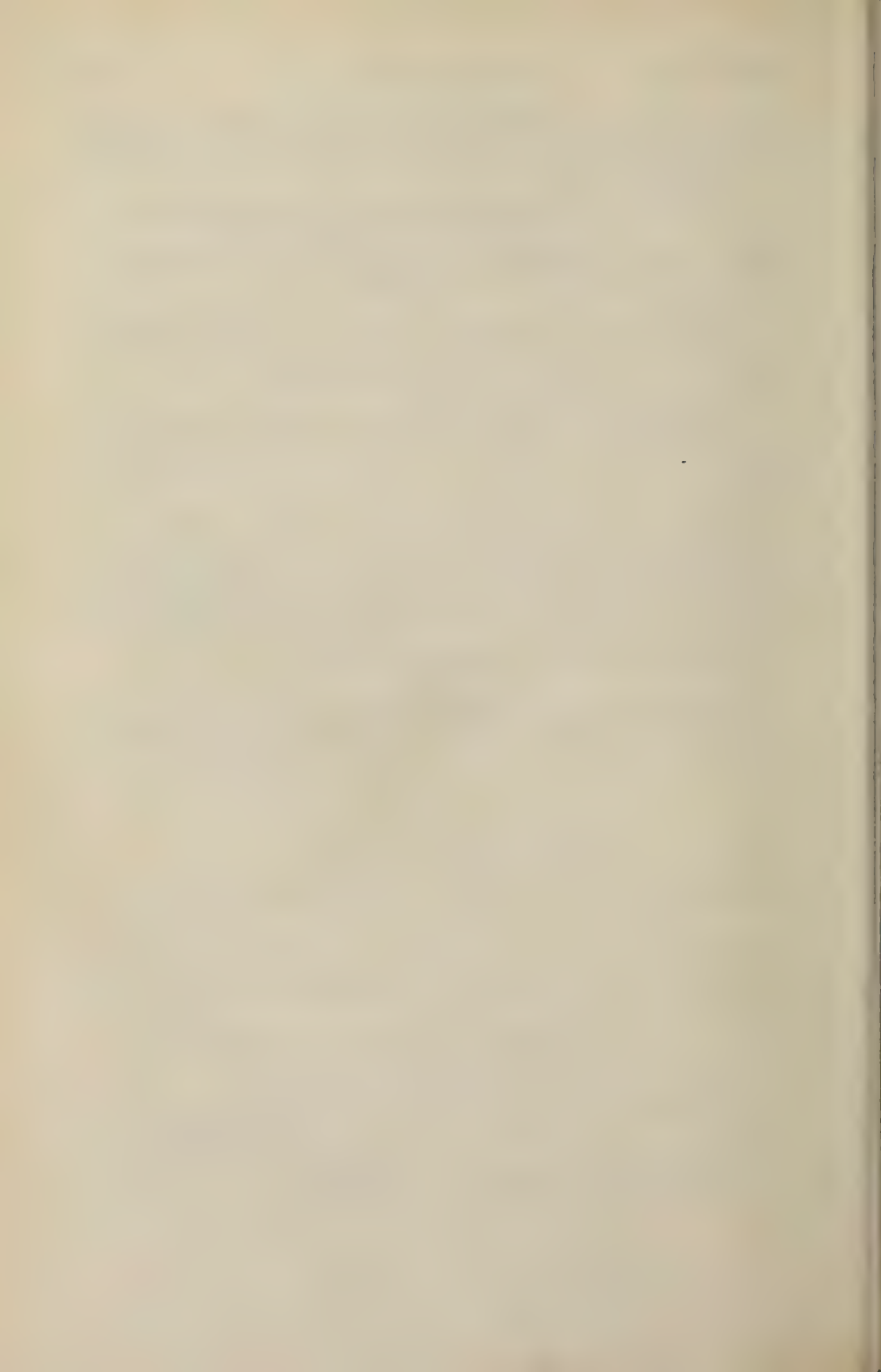
Assembly Bill No. 479—An act to amend Section 3423 of the Public Resources Code, relating to delinquent assessment and charges for the Petroleum and Gas Fund, Division of Oil and Gas, Department of Natural Resources.

Referred to Committee on Natural Resources.

ADJOURNMENT

At 11.05 a.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Monday, January 24, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTEENTH LEGISLATIVE DAY

TWENTY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, January 24, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leon Dunning, Supervisor, Kings County of Corcoran, Floyd G. Brown, Director, Kings County Department of Public Welfare of Hanford, and Beatrice Howe, Auditor, Kings County.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Edward T. Mancuso, Carl Brown, Jr. and Charles Moraghan, all of San Francisco.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ralph Davis and Mr. and Mrs. Joseph E. P. Dunn of Los Angeles.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to S. E. Shapiro of Chico.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Norman Doughtry, Constable, of Stockton.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William White of Sacramento and Inspector A. N. Rawles of Ukiah.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain George Belon, of Contra Costa County.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Janis Rossi, Mrs. C. W. Abbott, Mrs. Albion Johnson, leaders, and the following members of the OT-YO-KWA Campfire Girls, Fruitridge School: Virginia Abbott, Naomi Jones, Vivian Bennett, Joanne Wulf, Karen Johnson, Carol Loveridge, Marilyn Barnes, Joyce Davis, and Jannet Stitt.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 21

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RANDAL F. DICKEY, JR., Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 72

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 9

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Joint Resolution No. 9—Relative to memorializing the President and the Congress of the United States in relation to the retention of the National Guard under state control.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 21, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Joint Resolution No. 6

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, January 21, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 269

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, January 21, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 83—An act to amend Section 9357.2 of, and to add Section 9355.05 to, the Government Code, relating to retirement of Members of the Legislature, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 100—An act to amend Section 12410 of the Government Code, relating to the duties of the Controller, declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of January, 1949, at 3 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, January 21, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 15—Relative to the continuance of the Joint Legislative Committee on Agriculture and Livestock Problems;

Senate Concurrent Resolution No. 20—Relative to felicitating the San Bernardino Daily Sun and its editor, James A. Guthrie, on the occasion of the opening of its new publishing establishment;

Senate Joint Resolution No. 3—Relative to memorializing the President and the Congress of the United States in relation to the effect of the recent freezing weather conditions on the agricultural industry of California;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the twenty-first day of January, 1949, at 3 p.m.

POWERS, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator Jespersen asked for, and was granted, unanimous consent to have the following report and program by the State Department of Public Health and State Department of Education, relative to the problem of severely handicapped and spastic crippled children and adults, printed in the Journal.

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC HEALTH
LOS ANGELES 12, January 17, 1949

Hon. Earl Warren, Governor

Hon. Goodwin Knight, Lieutenant Governor

Hon. Sam Collins, Speaker of Assembly

State Capitol, Sacramento, California

Pursuant to Assembly Concurrent Resolution No. 36 of the Fifty-seventh Session of the California Legislature, the State Department of Public Health and the State Department of Education are herewith transmitting a review of the existing services for physically handicapped individuals with particular reference to the care, treatment and education of those who are severely physically handicapped but mentally normal. A suggested program for services not now provided is outlined together with an estimate of the costs thereof.

ROY E. SIMPSON

Superintendent of Public Instruction

WILTON L. HALVERSON, M. D.

Director State Department of Public Health

CALIFORNIA LEGISLATURE, FIFTY-SEVENTH (GENERAL) SESSION

ASSEMBLY CONCURRENT RESOLUTION

No. 36

Introduced by Messrs. Dunn, Ralph C. Dills, M. Philip Davis, Caldecott, Brady, Carey, Debs, Dolwig, Doyle, Geddes, Hinton, Lyons, McMillan, Miller, Mrs. Niehouse, Messrs. Stephenson, Weber, and Wollenberg

January 27, 1947

REFERRED TO COMMITTEE ON RULES

Assembly Concurrent Resolution No. 36—Relative to the problem of severely handicapped spastic and crippled children and adults.

WHEREAS, It is the desire of the Legislature to provide in every way possible for the treatment, care, and education of spastic and crippled persons within the State; and

WHEREAS, The Legislature wishes to expand where necessary the existing program, with special regard to crippled children and adults who are of normal mentality but severely handicapped physically; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the State Department of Public Health and the State Department of Education be requested and directed to investigate the adequacy of the present program, with particular reference to those crippled persons who are of normal mentality, but who are so severely physically handicapped that they cannot be adequately cared for under the present program nor in the home; and be it further

Resolved. That the State Department of Public Health and the State Department of Education report to the Fifty-eighth (General) Session of the Legislature and to the Governor the results of their investigation and make recommendations as to the treatment, care, education and training of such persons, together with the facilities required for such purposes and the cost thereof; and be it further

Resolved. That the Chief Clerk of the Assembly shall transmit copies of this resolution to the Governor, to the State Department of Public Health, and to the State Department of Education.

**THE PROBLEM OF SEVERELY HANDICAPPED SPASTIC
AND CRIPPLED CHILDREN AND ADULTS**

**A REPORT ON THE PROBLEM IN CALIFORNIA AND A SUGGESTED
PROGRAM TO MEET THE NEED**

I. INTRODUCTION

The physically handicapped mentally normal person who is unable to care for himself presents one of California's grave problems. Perlstein says: "If the cerebral palsied in general may be called the forgotten

people, there is a group among them who may then be termed 'the forgotten of the forgotten.' These are the persons of normal mentality whose handicaps are severe and perhaps multiple and who cannot be trained to the point of self-support and perhaps not even to the point of self-care. Either because their families have died or broken up, or because they are otherwise unable to offer care, many of these persons need not only intensive therapy * * * but also need a lifelong service."¹ This description of the "forgotten of the forgotten" individual is not limited to the cerebral palsied (spastic) exclusively. It applies equally to many other children and adults who are of normal mentality and yet are severely afflicted with physically handicapping conditions.

Legislative recognition of this problem and the need for investigation of available resources have been responsible for this report.

II. PURPOSE OF THE INVESTIGATION AND REPORT

The investigation has followed the stated objectives of the Assembly Concurrent Resolution (Number 36). It has attempted to:

A. Evaluate the adequacy of present programs.

B. Make recommendations as to treatment, care, education, training, necessary facilities and program costs for this particular group.

III. SCOPE OF THE REPORT

Studies undertaken in connection with this report have been limited to the following:

A. An evaluation of existing tax-supported programs for treatment of the severely handicapped mentally normal individual in California. These programs for treatment included:

1. The Crippled Children Services of the State Department of Public Health.

2. The two Diagnostic and Treatment Centers for cerebral palsied children at the University of California Medical School in San Francisco and at the Children's Hospital in Los Angeles.

3. The Physical Restoration Program in the Bureau of Vocational Rehabilitation, State Department of Education.

4. The treatment services available through county hospitals.

B. An evaluation of existing programs for the education of severely handicapped mentally normal individuals. These programs included:

1. The special classes for handicapped children within the school system.

2. The two residence schools for children with cerebral palsy.

3. The counseling, training, and placement program of the Bureau of Vocational Rehabilitation in the State Department of Education.

C. Community-wide studies in order that the extent of the need might be known. These studies sought out particularly the severely handicapped individual for whom care cannot be made available under the present program.

¹ M. A. Perlstein, M.D., *The Problem of Cerebral Palsy Today*, p. 35.

IV. FINDINGS

A. Treatment Services

1. Crippled Children Services, State Department of Public Health.

a. Services Provided

The Crippled Children Services provide, in whole or in part, for the diagnosis and treatment of physically handicapped children whose parents are unable to fully provide such services. The services of the program include case finding, expert diagnosis, medical, surgical, and hospital treatment of handicapping conditions which come within the administrative definition established by the Department of Health.

b. Limitations of the Existing Crippled Children's Program for Services to Severely Handicapped Children

(1) Facilities where intensive, prolonged medical services may be purchased by state or local agencies for the severely handicapped children for whom rehabilitation is likely (at least in limited degree) are not now available. The type of facility needed is one which will permit long-term residential care with intensive therapy, education, and rehabilitation. Thus, children living in rural areas, too far distant from a special class in the local school, are not now receiving treatment sufficient to assure physical rehabilitation. In addition, the severely handicapped children in both the urban and the rural areas require more intensive treatment than is available in the special classes.

(2) The Crippled Children's Program does not provide services to certain types of disabilities such as muscular dystrophy, multiple sclerosis, etc. These children with permanent, complete disability, if they cannot be cared for at home, are admitted to the county hospitals in either the acute or chronic wards with the aged infirm. Not only are beds which are badly needed for the treatment of acute cases unnecessarily occupied, but also the children remain without appropriate education and recreation.

(3) Services are limited to children under 21 years. There is no agency authorized to carry on a long-term physical restoration program for severely handicapped adults.

2. The Diagnostic and Treatment Centers for cerebral palsied children.

a. Services Provided

The centers provide expert diagnosis in out-patient clinics for cerebral palsied children and assist the parents of these children in planning a suitable program of long-term treatment. For children who live near enough the centers provide long-term physical and occupational therapy and other out-patient medical treatment.

The centers also provide expert medical supervision, physical, occupational, and speech therapy for the children enrolled in the two State Residential Schools for Cerebral Palsied Children.

b. Limitations of the Service

(1) The services at the Diagnostic and Treatment Centers are offered without charge to properly referred cerebral palsied children from any part of California, but the problem of transportation of severely handicapped cases from distant homes and the provision of housing during the several days necessary for comprehensive diagnosis of multiple handicaps significantly limit the availability of the services offered. The plan to use the residence schools in meeting these practical difficulties

could not be carried out because the present temporary locations of the schools are too far distant from the centers.

(2) Services are limited to cerebral palsied children under twenty-one years of age.

3. Physical Restoration Program, Bureau of Vocational Rehabilitation, State Department of Education.

a. Services Provided

The physical restoration program offers medical, surgical, and hospital treatment services on a short-term basis to those adults who can be trained vocationally as a result of such treatment.

b. Limitations of the Program

(1) The program limits the length of treatment available to handicapped individuals.

(2) Generally speaking, it excludes those who can be trained only for limited employment.

(3) It offers no services to handicapped adults requiring long time supervision, maintenance and training.

4. County Hospitals.

a. Services Offered

In general, county hospitals provide medical, surgical and hospital services.

b. Limitations of the Program

(1) Admission policies restrict these facilities to those persons who fulfill certain economic and residence requirements even though there are no other resources available for assistance. In some county hospitals part-pay cases are not accepted.

(2) Shortage of beds for acute hospital care make it necessary to restrict admissions even for those who can meet eligibility requirements.

(3) Lack of specialized personnel in many areas limits the nature of the care available.

(4) Hospitals do not offer planned programs of rehabilitation, education and recreation to such long term cases as are admitted.

B. Educational Services

1. Special classes for handicapped children within the organized school system.

a. Services Authorized

Local school districts provide education in special classes to children with cerebral palsy under the recently organized cerebral palsy program. Included in these services are: transportation, educational services, medical supervision,* physical,* and occupational * therapy services to children with cerebral palsy. Some school districts also offer similar services to other physically handicapped children.

b. Limitations of the Service

(1) These services are not yet, and probably cannot be provided by all school districts. Experience to date has shown that it is impractical to provide such service unless a minimum of ten children require this service. There are rural areas where this number of children do not live within transportation distance of special classes.

* Provided through the State Department of Public Health under the direction of the Diagnostic and Treatment Centers. See 2a on Page 274.

(2) There are many children so severely handicapped that their maximum rehabilitation cannot be obtained in a day class in the local public schools. These require the intensive treatment of a 24-hour a day rehabilitation center.

(3) State funds authorized to assist local school districts in construction of special class facilities have been exhausted.

(4) There are no similar services provided for handicapped adults.

2. State Residence Schools for Cerebral Palsied Children.

a. Services Provided

The two residence schools provide custodial care, intensive treatment, and appropriate education for a period of from three months to a year for a limited number of severely handicapped cerebral palsied children who require a more extended period of observation than can be provided upon an outpatient clinic basis or for whom no adequate treatment plan can be carried out in the communities where their homes are located.

b. Limitations of the Service

(1) The limited facilities of the residence schools are available only to individuals under the age of twenty-one.

(2) They are limited to children with cerebral palsy.

(3) They do not offer training for more than one year.

3. Bureau of Vocational Rehabilitation, State Department of Education.

a. Services Provided

In addition to physical restoration services,† the Bureau of Vocational Rehabilitation provides counseling, vocational training, and job placement services for physically or mentally handicapped persons, over sixteen years of age, who seem to present a reasonable hope of employability.

b. Limitations of the Service

(1) Since the number of applicants for the service is greater than the bureau can serve with its present staff and facilities, it is the present policy to give priority to cases which give the best promise of quick productive returns to society. This tends to limit the service for persons suffering from severe physical handicaps of long standing or from handicaps which are distinctly progressive in spite of treatment.

(2) Since the efforts of the bureau are primarily directed toward job placement for its clients, the likelihood of placement is an important factor in determining the suitability of applicants.

This limits the services rendered to multiple handicap cases of long standing who also present intellectual, social, and emotional disabilities.

C. Results of Community-wide Studies

1. Adults.

Because there has been no continuing state-wide case finding program for severely handicapped adults in California, not all of these individuals are known to county institutions, welfare departments, and other community agencies. There is no record of how many individuals receive inadequate services at home or in private institutions unless they

† These have been discussed under heading 3a on page 275.

have at some time sought assistance from a public agency. Records of such requests have not been kept in many agencies, so the exact number of these individuals is not known. Available reports, however, indicate that there are 11,000 severely handicapped unemployable persons in California.*

2. Children.

According to the formula developed by Doctor Winthrop Phelps, who is considered an authority in this field, 30 percent of the cerebral palsied children are severely handicapped and 50 percent of these will need long term care. Phelps' formulae applied to California, would indicate that there are 3,000 of these children in California, of whom 1,500 will need long term or permanent care.

Actual figures have been obtained in California with reference to that total group of severely handicapped children living in rural areas who cannot be reached within the framework of the present program. Five hundred forty-six of those cases are known, of which 138 (or 25 percent) are so severely handicapped that they will require long term care.

Case finding has continued for a number of years among the general group of handicapped children. As of December, 1947, 36,000 children had been registered as physically handicapped, and an estimated 8 percent or 2,880 of these are so severely handicapped that they will require long term services.* Other reliable estimates could be quoted which reflect a higher percentage of the severely handicapped.

V. PRESENT STATUS OF THE SEVERELY HANDICAPPED INDIVIDUAL

Whether their number is great or small, severely handicapped mentally normal individuals constitute a serious problem to the family and the community—they are denied the opportunity of full development of their own capacity. Plans for their care are now being made on the basis of expediency rather than with the objective of offering the privileges of real citizenship—the right to achieve maximum emotional growth and to contribute to the limits of their mental and physical abilities. Such individuals are maintained either in their own homes, shut off from education and training, denied the opportunity of social contacts and faced with the realization that they constitute a heavy burden in the family group; or they are placed in institutions for the aged or feeble-minded where they do not belong and where they have truly become the "forgotten of the forgotten." The following histories are a few of the stories obtained in the course of the study:

A. The Case of Jerry

Jerry is 21 years old and has been diagnosed as being a tension athetoid, the condition reportedly due to an injury at birth. As a result, the young man now has neither standing nor sitting balance. His speech is almost unintelligible, and he has little or no use of his hands. He is completely dependent on those around him for all his personal needs. He cannot even feed or dress himself. Despite such striking physical

* The National Society for Crippled Children and Adults, Inc., *Rehabilitation Facilities for the Severely Handicapped*. Report of the Committee on the Severely Handicapped, p. 5. NOTKIN, Herbert "A Prospectus for Rehabilitation Centers in California," Bureau of Vocational Rehabilitation, Oct. 1948.

handicaps. Jerry has normal mentality and has been able to complete the eighth grade.

The County Institution *for the aged* has been the only home this lad has had for the past ten or twelve years!

There are a number of reasons for this arrangement. In the first place, Jerry's father is dead, and when his mother remarried, her husband did not wish to have the boy at home. In the second place, there are no facilities in this county to provide care for a chronically ill young person. In the third place, the mother does not have the means to pay for private nursing home care.

Jerry's mother visits him regularly, but this is his only personal tie to the world outside the old people's home.

Attendants at the home for the aged report the boy's pathetic eagerness to be taken to visit the hospital nearby where he can see other young people. As often as possible he is wheeled there, and he has contrived to set up a tiny business of selling magazines and papers to the patients in order to earn a little money. His disabled hands cannot make the change, but his nimble brains do not allow a customer to take advantage of him.

B. The Case of Dolores

Dolores is 17 years old now, and it has been nearly three years since she went swimming with a group of her friends. While diving she hit the bottom of the pool and fractured a vertebra in her neck; this has resulted in an almost complete body paralysis. Dolores can use her hands just a little, and she has gained this through constant effort. She will always be in bed and will need care for the rest of her life.

A few weeks after the accident Dolores was moved to a ward at the county hospital where she could receive the nursing care she needed.

The people who know Dolores at the hospital describe her as being a stout cheerful looking girl who seems to have a lively interest in things about her. She manages to find things to occupy her time. However, this has been difficult. During her first year at the county hospital, she was in a ward with elderly women patients. There has been no teacher for Dolores as there have not been enough patients her own age to justify the hospital in asking the school board to send a teacher to the hospital. Unfortunately, there is no occupational therapist on the staff at the hospital, so Dolores has to depend upon her own resources and is proud of what she has been able to accomplish. Through her diligent effort to regain some of the functions of her hands, she has learned to write by holding a pencil between both hands and inscribing large letters. She has also learned to crochet and can hold a book to read. She is hopeful that she can learn to do more things with her hands. However, she does understand that the use of her legs cannot be restored.

Dolores is one of five children. There have been financial problems and, although her father is employed steadily now, there have been times when he has been unemployed. There have been other kinds of difficulty and now Dolores' mother is no longer at home. The father, as much as he wishes to do so, is not able to provide care for her at home.

C. Earl and Ed

These 54-year-old twins are living out their lives in the state home for the mentally deficient, although they are both of normal mentality.

They are afflicted with muscular dystrophy and are confined to wheel chairs. Both are able to read well, and although they cannot write because of their handicap they have learned to type by means of a specially constructed stick. They were placed in the state home for the mentally deficient because their mother was dead, their father became too old and too ill to care for them, and there was no other place for them to go.

D. Case of Joseph

Eighteen-year-old Joseph has cerebral palsy of the type known as athetoid quadriplegia. Though he has normal intelligence his speech is greatly impaired. He is big for his age and cannot walk or even sit for very long. The California Program for Cerebral Palsy is helping him with surgical and medical care. A private agency has provided a speech teacher.

Joseph lives at home with his family. Their only source of income is \$108 a month which is a fireman's pension (Joseph's father used to be a fireman). The mother, now 55 years old, is having increasing difficulty in lifting and caring for Joseph. She worries about what will become of him when she is no longer able to care for him. Some of the people who have handled Joseph feel that he might even be able to learn some form of activity in a sheltered workshop. A resource for custodial care including facilities for training and sheltered workshop would be doubly welcome. It would help the mother and the boy who otherwise would have little hope for the future.

E. The Case of Roberta

Thirty-year-old Roberta is above average mentally, but at present there is no other place where she can live than the Sonoma State Home for Mentally Deficient. The elderly father of this girl lives on a pension and makes his home with his married son and child who are unable to make a place for Roberta as well. The resulting unhappiness in Roberta has been a considerable problem for all of the family.

Roberta has paralysis in her arms and in her right leg, but she can take care of her own needs and even writes letters for the other girls of the ward.

Although Roberta could not at present make an immediate adjustment to living within "normal" society, she would be able to make a contribution if she were placed in a more normal environment and had an opportunity in sheltered workshop activity.

VI. SUMMARY OF FINDINGS

The evaluation of existing programs with reference to the severely handicapped mentally normal individuals revealed unmet needs which can be summarized as follows:

1. Although the program for case finding and diagnosis of severely handicapped children is reasonably adequate, there is no comparable program for the severely handicapped adults. The effectiveness of the case finding and diagnostic services appears to be in direct proportion to the availability of treatment services.

2. Adequate facilities are not available for the treatment of handicapped children and adults in isolated rural areas.

3. There are no facilities for long-time treatment, maintenance, education, and vocational training of severely handicapped children and adults.

4. There are at conservative estimates eleven thousand adults and two thousand eight hundred eighty children severely handicapped physically but mentally normal, needing long-term rehabilitation services whose needs are not met by the present program.

VII. CONCLUSIONS

The findings of this survey indicate a need for a rehabilitation center or centers which will offer "treatment, care, education, and training" of "crippled persons who are of normal mentality but who are so severely physically handicapped that they cannot be adequately cared for under the present program nor in the home."

Such a center would provide the following services to both inpatient and outpatient cases including those so severely disabled that they require a permanent home:

A. *Treatment*

1. Medical—general and specialized
2. Physical therapy
3. Occupational therapy and training in self-help
4. Speech therapy

B. *Education*

1. Academic training equivalent to public school programs
2. Speech correction
3. Vocational training and guidance

C. *Sheltered and Curative Workshops*

1. Sheltered—for permanent disabilities
2. Curative—for those who will be placed eventually in industry

D. *General*

Related services not specifically covered above and including social and emotional adjustment, recreation, etc.

It is generally felt that an efficient unit providing such services should be for not less than two hundred and fifty beds. It would probably be wise to limit these facilities at present to one such unit allowing the developing case load to determine the ultimate needs for expansion.

No accurate estimate of the cost of construction of this type of facility can be made until the plans are drawn. There is no institution in California which provides the combined services of the type recommended here; and therefore, there is no basis on which to estimate the cost of construction. It is estimated, however, that the total capital expenditure would be approximately four million dollars.

The cost of maintenance per year to include medical services, physical therapy, occupational therapy, social service, education, and vocational training can be estimated at the present costs of services at \$9.50-\$10 per diem. The total cost per year would be approximately nine hundred thousand dollars. Of this amount, one hundred thousand dollars might be

anticipated from state and local school districts on the basis of average daily attendance. The remaining eight hundred thousand dollars would be required as additional appropriation. Of this amount, approximately two hundred thousand dollars would be necessary for the Department of Public Health or other medical agencies, for medical services including therapists. The remaining six hundred thousand dollars would be required as an additional appropriation to the Department of Education as operational expenses.

It is the opinion of the Departments of Education and Public Health that the administration of such a center should be the responsibility of the Department of Education with the authority to contract with public or private agencies to provide the services required. The Department of Public Health or other medical agencies would provide the treatment services required.

Sources of funds for such a center would logically be apportioned as follows:

1. Plans, construction, and equipment. Special appropriation to Department of Education.

2. Maintenance and operation. Special appropriation to Department of Education (in future periods only).

3. Treatment services. Increase in budget of Department of Health or other medical agencies (in future periods only).

4. Educational services workshops and general. Funds from average daily attendance plus special appropriations if required.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 8: By Senators Powers and Hatfield—Relative to the Proposed International Animal Quarantine Station on Swan Island.

Referred to Committee on Rules.

Request for Unanimous Consent

Senator Hatfield asked for, and was granted, unanimous consent to have Senate Joint Resolution No. 8 sent to print with a rush order.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 143—An act to amend Section 252 of the Revenue and Taxation Code, relating to affidavits for exemption and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 27—An act making an appropriation for support of the Department of the California Highway Patrol for the 1948-49 Fiscal Year, providing for the transfer of such appropriation, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 476—An act making an appropriation in augmentation of the appropriation in Item 337 of the Budget Act of 1948.

for support of the Department of Social Welfare, and amending Section 124 of the Welfare and Institutions Code, relating to availability of appropriations, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 477—An act making an appropriation in augmentation of the appropriation in Item 144 of the Budget Act of 1948, for support of the State Controller, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 87—An act to amend an act entitled "An act to create a district to be called 'The Santa Barbara County Water Agency' for the purpose of controlling and conserving storm, flood and other surface waters, for any beneficial use and for the protection of life and property in said district, for the purpose of cooperating and contracting with municipalities and certain districts for the storage and diversion, the transportation and delivery, and the sale or other disposition of such water; to provide for the powers of such district necessary to carry out its purposes including the right to contract, the right to acquire property and to acquire or construct or have constructed dams, conduits, and other works for the control, conservation, diversion and transportation of such water, certain rights to appropriate water, to acquire water rights, and to sell water and to collect charges for water used; to provide for the organization, government and management of said district and establishing the boundaries thereof; to provide for the appointment, powers, duties, liabilities and compensation of the officers and employees of said district; to provide certain officers and employees of the County of Santa Barbara shall be ex officio officers and employees of said district; to authorize the incurring of indebtedness, the voting and or issuing and selling of bonds, the voting and or levying and collection of special assessments, the levying and collection of taxes; to provide certain limitation on creation of indebtedness, levying of taxes and special assessments and issuance of bonds; to provide that the existence, property and powers of municipalities or public districts located within or partially within said district shall not be affected by this act; and to empower municipalities, county water districts, water conservation districts, flood control districts, and any other political subdivisions of the State empowered by law to appropriate water and to deliver it to users, to enter into contracts with the agency and to carry out the terms of such contracts, and providing for the dissolution of such agency," by amending the title of said act, by amending sections numbered 2, 5.1, 5.3, 5.4, 5.7, 6.1, 6.3, 9.1, 10.1, and 10.2 of said act, all relating to the power of said agency on behalf of itself or its member units to acquire water or a water supply, to purchase and sell water, to cooperate and contract in connection with such water, water supply, and purchase and sale of water with the United States, the State, municipalities and certain public districts, to assume certain indebtedness as principal, guarantor or underwriter, to make certain contributions in aid of purchasing or obtaining water or a water supply or works, to suspend delivery of water to member units, imposing certain limitations on indebtedness and taxes, defining member

units of said agency and establishing certain powers, rights and liabilities of such member units and their power to contract with said agency in connection with such water or water supply, or purchase and sale of water, declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 383—An act to amend Section 1 of an act entitled "An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts," approved July 1, 1937, as amended, and to amend Section 53737 of the Government Code, relating to capital outlays by cities, counties, cities and counties, or districts, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States in relation to changing present federal laws pertaining to the employment security programs of the states, and to provide sufficient funds to permit proper administration of the public employment service and the unemployment insurance programs of the State of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 269—An act to amend Section 1 of, and to add Section 1.5 to, an act entitled "An act providing that the State of California enter into a compact with the States of Oregon and Washington, one or both, to promote the better utilization of the fisheries, marine, shell, and anadromous of the Pacific Seaboard, and to create the Pacific Marine Fisheries Commission; providing for the members of such commission from the State of California; providing for the administration of the provisions of said compact; and making an appropriation," approved July 17, 1947, relating to the termination of a Pacific Marine Fisheries compact, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

The roll was called and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 6—Relative to memorializing the President and the Congress of the United States in relation to two irrigation canals to supply water from the Sacramento River to areas in Northern California.

Resolution read.

Motion to Amend

Senator Drobish moved the adoption of the following amendments :

Amendment No. 1

On page 1, line 21, of the printed bill, strike out the word "somewhat".

Amendment No. 2

On page 1, line 22, of the printed bill, strike out the word "belatedly".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Joint Resolution No. 7—Relative to memorializing and petitioning the House of Representatives of the Congress of the United States to appoint a committee to investigate the mango fruit fly.

Resolution read, and presented by Senator Hatfield.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time :

Senate Bill No. 504: By Senator Watson—An act to amend Section 1201 of the Fish and Game Code, relating to pheasants.

Referred to Committee on Fish and Game.

Senate Bill No. 505: By Senator Watson—An act to amend Section 3212 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No 506: By Senator Watson—An act to add Section 57.5 to the Alcoholic Beverage Control Act, relating to illumination of on-sale premises, and providing penalties.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 507: By Senator Watson—An act to add Section 18955 to the Government Code, relating to credits in promotional examinations of state civil service employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 508: By Senator Watson—An act to amend Section 1200 of the Fish and Game Code, relating to quail.

Referred to Committee on Fish and Game.

Senate Bill No. 509: By Senator Watson—An act to add Sections 1.1, 1.2, and 1.3 to the Orange County Water District Act, relating to the exclusion of certain areas from the district.

Referred to Committee on Water Resources.

Senate Bill No. 510: By Senators Hugh M. Burns, Busch, Hatfield, Collier, Powers, Keating, and Brown—An act to add Section 5286.1 to the Business and Professions Code, relating to outdoor advertising.

Referred to Committee on Business and Professions.

Senate Bill No. 511: By Senator Weybret—An act making an appropriation to the Regents of the University of California for the purpose of conducting research work on fruit flies, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

Senate Bill No. 512: By Senators Dilworth, Breed, Tenney, Parkman, O'Gara, Miller, and Coombs—An act making an additional appropriation to the Regents of the University of California for all or any of the following purposes: The acquisition of lands, construction, improvements and equipment for and at the University of California.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 513: By Senator Hatfield—An act to repeal Section 20025 of the Government Code, relating to the State Employees' Retirement System and the benefits payable thereunder, and providing for the refund or other disposition of certain optional contributions by members of said system.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 514: By Senator Hatfield—An act to add Sections 9027 and 9028 to the Government Code, creating the Senate Contingent Fund in the State Treasury, specifying the appropriations to be deposited therein, and providing for its disbursement upon warrants drawn by the Controller at the direction of the continuing Senate Committee on Rules, or pursuant to Senate rule, order, or resolution.

Referred to Committee on Rules.

Senate Bill No. 515: By Senators Tenney, Kraft, Dilworth, Williams, Watson, Weybret, Hugh M. Burns, and Sutton—An act to add Section 1106 to the Labor Code, relating to the hiring and discharging of Communist or subversive employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 516: By Senators Tenney, Kraft, Dilworth, Williams, Watson, Weybret, Hugh M. Burns, and Sutton—An act to add Section 1018 to the Labor Code, relating to membership in labor organizations of persons adhering to communism or subversive activities.

Referred to Committee on Labor.

Senate Bill No. 517: By Senator Hatfield—An act making an additional appropriation for support of the Board of Administration of the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 518: By Senator Hatfield—An act making an additional appropriation for support of the Board of Administration of the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 519: By Senator Hatfield—An act to repeal Sections 1270 and 1272 of, and to add Sections 1270, 1271, and 1272 to, the Fish and Game Code, relating to mammals.

Referred to Committee on Fish and Game.

Senate Bill No. 520: By Senator Hatfield—An act to amend Section 610 of the Fish and Game Code, relating to fish.

Referred to Committee on Fish and Game.

Senate Bill No. 521: By Senator Hatfield—An act to amend Section 1201 of the Fish and Game Code, relating to birds.

Referred to Committee on Fish and Game.

Senate Bill No. 522: By Senator Hatfield—An act to add Section 1159 to the Fish and Game Code, relating to hunting.

Referred to Committee on Fish and Game.

Senate Bill No. 523: By Senator Hatfield—An act to amend Section 806 of the Fish and Game Code, relating to mollusks and crustaceans.

Referred to Committee on Fish and Game.

Senate Bill No. 524: By Senator Hatfield—An act to amend Section 954 of the Streets and Highways Code, relating to the abandonment of county highways, including the creating and designating of stock trails.

Referred to Committee on Transportation.

Senate Bill No. 525: By Senator Hatfield—An act to amend Section 954 of the Streets and Highways Code, relating to the abandonment

of county highways, including the creating and designating of stock trails.

Referred to Committee on Transportation.

Senate Bill No. 526: By Senator Hatfield—An act to amend Section 943 of the Streets and Highways Code, relating to the abandonment of county highways, and including the authorizing of boards of supervisors to create and designate stock trails.

Referred to Committee on Transportation.

Senate Bill No. 527: By Senator Hatfield—An act to amend Section 943 of the Streets and Highways Code, relating to the abandonment of county highways, including the authorizing of boards of supervisors to create and designate stock trails.

Referred to Committee on Transportation.

Senate Bill No. 528: By Senator Collier—An act to amend Sections 303 and 346 of the Streets and Highways Code, relating to state highway routes.

Referred to Committee on Transportation.

Senate Bill No. 529: By Senator Collier—An act to amend Section 303 of the Streets and Highways Code, relating to state highway routes.

Referred to Committee on Transportation.

Senate Bill No. 530: By Senator Collier—An act to amend Section 444 of, to add Section 513 to, and to repeal Section 530 of, the Streets and Highways Code, relating to state highway routes.

Referred to Committee on Transportation.

Senate Bill No. 531: By Senator Busch—An act to add Section 10.5 to the Fish and Game Code, relating to the fiscal procedures of the Fish and Game Commission.

Referred to Committee on Fish and Game.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 24, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointments, and respectfully request your confirmation thereof and consent thereto:

KENNETH R. WALKER, a resident of Westwood; lumberman; member of the State Board of Forestry since January 10, 1944;

to the State Board of Forestry (representing pine producing industry), vice self, for the term prescribed by law, ending January 15, 1953.

J. J. PRENDERGAST, a resident of Redlands; president of the Mutual Water Company Association; member of the State Board of Forestry since January 10, 1944; to the State Board of Forestry (representing beneficial use of water), vice self, for the term prescribed by law, ending January 15, 1953.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 532: By Senator Busch—An act to amend Section 5254 of the Welfare and Institutions Code, relating to the hearing of petitions for the commitment of mentally deficient persons and epileptic persons who are not insane.

Referred to Committee on Social Welfare.

Senate Bill No. 533: By Senator Busch—An act to amend Section 19.6 of the Fish and Game Code, relating to the Fish and Game Commission and extending the period during which its general regulatory powers shall continue in existence.

Referred to Committee on Fish and Game.

Senate Bill No. 534: By Senator Busch—An act to add Section 10.6 to the Fish and Game Code, relating to the executive officer of the Fish and Game Commission.

Referred to Committee on Fish and Game.

Senate Bill No. 535: By Senator Busch—An act to add Section 10.6 to the Fish and Game Code, relating to the executive officer of the Fish and Game Commission.

Referred to Committee on Fish and Game.

Senate Bill No. 536: By Senator Rich—An act to amend Section 507 of the Streets and Highways Code, relating to state highways.

Referred to Committee on Transportation.

Senate Bill No. 537: By Senator Rich—An act to amend Section 8552 of the Water Code, relating to the Reclamation Board.

Referred to Committee on Water Resources.

Senate Bill No. 538: By Senator Tenney—An act to amend Section 108 of the Civil Code, relating to divorce actions on grounds of incurable insanity.

Referred to Committee on Judiciary.

Senate Bill No. 539: By Senator Tenney—An act to amend Section 261 of the Code of Civil Procedure, relating to court commissioners of the superior court in counties, or cities and counties, having a population of two million inhabitants and over.

Referred to Committee on Local Government.

Senate Bill No. 540: By Senator Tenney—An act to amend Section 261a of the Code of Civil Procedure, relating to superior court employees in counties, or cities and counties, of nine hundred thousand population or more.

Referred to Committee on Local Government.

Senate Bill No. 541: By Senator Tenney—An act to amend Section 1744 of the Code of Civil Procedure, relating to attaches of the conciliation court in counties of nine hundred thousand population or more.

Referred to Committee on Local Government.

Senate Bill No. 542: By Senator Tenney—An act to amend Section 672 of the Code of Civil Procedure, relating to the superior court in counties of the first class and the number thereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 543: By Senator Tenney—An act to amend Section 737s of the Political Code, relating to the salary of judges of the superior court.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 544: By Senator Tenney—An act to amend Section 261.5 of the Code of Civil Procedure, relating to superior court employees in counties, or cities and counties, of two million population or more.

Referred to Committee on Local Government.

Senate Bill No. 545: By Senator Tenney—An act to amend Section 204h of the Code of Civil Procedure, relating to the performance of commissioner's duties by judges' secretary, assistant secretary and clerks.

Referred to Committee on Local Government.

Senate Bill No. 546: By Senator Tenney—An act to amend Section 14161 of the Revenue and Taxation Code, relating to a discount on payment of inheritance tax.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 547: By Senator Tenney—An act to add Section 7f to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to the office of traffic commissioner in municipal courts in cities of the first and one-half class.

Referred to Committee on Local Government.

Senate Bill No. 548: By Senator Tenney—An act to add Section 10.2 to the Political Code, relating to Saturday closing of municipal courts.

Referred to Committee on Local Government.

Senate Bill No. 549: By Senators O'Gara, Tenney, Dilworth, and Coombs—An act to amend Section 374 of the Vehicle Code, to add Section 381.1 thereto, and to amend Section 10782 of the Revenue and Taxation Code, relating to exemptions from fees for the operation of motor vehicles.

Referred to Committee on Transportation.

Senate Bill No. 550: By Senator Brown—An act to amend Section 28152 of the Government Code, relating to compensation for public services in counties of the fifty-second class.

Referred to Committee on Local Government.

Senate Bill No. 551: By Senator Brown—An act to amend Section 452 of the Education Code, relating to the salaries of the county superintendents of schools of counties of the fifty-second class.

Referred to Committee on Education.

Senate Bill No. 552: By Senator Weybret—An act to add Section 25562 to the Government Code, relating to county participation in centennial celebrations, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Local Government.

Senate Bill No. 553: By Senator Weybret—An act relating to the prevention of the introduction of injurious agricultural pests and providing for controlling and preventing the spread of the same and making an appropriation therefor.

Referred to Committee on Agriculture.

Senate Bill No. 554: By Senators Parkman, O'Gara, Breed, and Salsman—An act relating to the acquisition of a bridge or bridges across the Bay of San Francisco connecting the Counties of San Mateo and Alameda, defining the powers and duties of the California Toll Bridge Authority and of the State Department of Public Works in relation thereto, providing for the inclusion thereof in the State Highway System upon the acquisition thereof, and amending Sections 405 and 407 of the Streets and Highways Code in connection therewith.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 555: By Senator Dilworth—An act to amend Sections 20921 and 20922 of the Government Code, relating to crediting members with state service for time employed in federal service, under certain conditions, in connection with the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 556: By Senator Ward—An act to add Section 161b to the Civil Code, relating to payments or refunds made pursuant to a retirement or death benefits plan.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 557: By Senator Collier—An act to amend Section 737h of the Political Code, relating to salaries of judges of the superior court.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 558: By Senator Collier—An act to add Section 16.5 to the Fish and Game Code, relating to the taking of deer in game refuges.

Referred to Committee on Fish and Game.

Senate Bill No. 559: By Senator Collier—An act to amend the heading of Chapter 3 of Division 10 of, and to add Sections 20656 and 20657 to, the Education Code, relating to the California State Polytechnic College, and making an appropriation.

Referred to Committee on Education.

Senate Bill No. 560: By Senator Williams—An act to amend Section 27264 of the Government Code, relating to the recordation of land patents.

Referred to Committee on Local Government.

Senate Bill No. 561: By Senator Williams—An act to amend Section 19.6 of the Fish and Game Code, relating to powers and duties of the Fish and Game Commission.

Referred to Committee on Fish and Game.

Senate Bill No. 562: By Senator Williams—An act to amend Section 403 of the Fish and Game Code, relating to the taking of birds, mammals, fish, mollusks, and crustaceans.

Referred to Committee on Fish and Game.

Senate Bill No. 563: By Senators Williams, Rich, and Hulse—An act to add Chapter 9 to Part 3, Division 2, of the Labor Code, relating to coercive labor practices.

Referred to Committee on Labor.

Senate Bill No. 564: By Senator Williams—An act to amend the title and Sections 2, 28, 30, and 35 of, and to add Section 46 to, the Water Conservation Act of 1927, relating to the power and authority of water conservation districts.

Referred to Committee on Water Resources.

Senate Bill No. 565: By Senators Regan, Ward, and Keating—An act to add Section 5004 to the Penal Code, relating to agreements for mutual police aid.

Referred to Committee on Judiciary.

Senate Bill No. 566: By Senators Mayo and Brown—An act to amend Section 201 of, and add Sections 201.1 and 205.5 to the Unemployment Insurance Act, relating to unemployment compensation disability benefits.

Referred to Committee on Social Welfare.

Senate Bill No. 567: By Senator Mayo—An act to amend Section 12 and to repeal Section 13 of "An act to provide a unified program

of construction, improvement, and equipment for state agencies, creating a State Public Works Board, and making an appropriation to carry out the provisions of this act," relating to reports of the State Public Works Board.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 568: By Senators Tenney, Donnelly, Sutton, Watson, Weybret, Hugh M. Burns, and Kraft—An act to amend Sections 10053, 10054, and 10055 of, and to add Section 10051.1 to, the Education Code, relating to instruction in the United States Constitution in the public schools.

Referred to Committee on Education.

Senate Bill No. 569: By Senator Dilworth—An act to amend Section 8161 of the Education Code, relating to the maintenance of school classes.

Referred to Committee on Education.

Senate Bill No. 570: By Senators Regan, Ward, and Keating—An act to add Section 2703 to the Penal Code, relating to employment of prisoners.

Referred to Committee on Judiciary.

Senate Bill No. 571: By Senator Regan—An act to amend Section 1340.6 of the Fish and Game Code, relating to bear.

Referred to Committee on Fish and Game.

Senate Bill No. 572: By Senator Regan—An act to amend Section 4300f of the Political Code, relating to jurors' fees.

Referred to Committee on Local Government.

Senate Bill No. 573: By Senator Regan—An act to amend Sections 5821 and 5830 of the Streets and Highways Code, relating to the levy of a maintenance tax.

Referred to Committee on Transportation.

Senate Bill No. 574: By Senators Regan and Hulse—An act to add Chapter 3.5, comprising Sections 26880 to 26884, inclusive, to Part 3, Division 2, Title 3 of the Government Code, relating to the county controller.

Referred to Committee on Local Government.

Senate Bill No. 575: By Senator Regan—An act to repeal Section 4702 of the Labor Code and to add Section 4702 to the Labor Code, relating to death benefits under the Workmen's Compensation Act.

Referred to Committee on Labor.

Senate Bill No. 576: By Senator Regan—An act to add Section 13105.5 to the Health and Safety Code, relating to the organization and operation of fire protection districts, including the duties of the State

Fire Marshal and the Attorney General with respect to such districts and making an appropriation.

Referred to Committee on Public Health and Safety.

Senate Bill No. 577: By Senators Regan, Abshire, and Michael J. Burns—An act to add Section 5003.6 to the Public Resources Code, relating to highway and road easements across state park lands.

Referred to Committee on Natural Resources.

Senate Bill No. 578: By Senator Keating—An act to amend Section 4652 of the Labor Code, relating to waiting period under the Workmen's Compensation Act.

Referred to Committee on Labor.

Senate Bill No. 579: By Senator Keating—An act to amend Section 3208 of the Labor Code, dealing with workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 580: By Senator Keating—An act to amend Section 3204 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 581: By Senator Dilworth—An act to amend Sections 3301.5 and 3301.6 of the Health and Safety Code, relating to state grants-in-aid to counties, cities and counties, and cities for the treatment and care of persons suffering from tuberculosis, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Public Health and Safety.

Senate Bill No. 582: By Senator Hugh M. Burns—An act to amend Section 802 of the Agricultural Code, relating to standards for grapes, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

Senate Bill No. 583: By Senator Hugh M. Burns—An act to amend Section 28105 of the Government Code, relating to compensation for public services in counties of the fifth class.

Referred to Committee on Local Government.

Senate Bill No. 584: By Senator Hugh M. Burns—An act to add Chapter 5, comprising Sections 1630 to 1637, inclusive, to Division 2 of the Health and Safety Code, relating to the collection, preservation and distribution of human blood and its derivatives, prescribing the powers and duties of the Department of Public Health with reference thereto and making an appropriation therefor.

Referred to Committee on Public Health and Safety.

Senate Bill No. 585: By Senator Sutton—An act to add Section 559 to the Streets and Highways Code, relating to state highway routes.

Referred to Committee on Transportation.

Senate Bill No. 586: By Senator Sutton—An act to add Section 558 to the Streets and Highways Code, relating to state highway routes. Referred to Committee on Transportation.

Senate Bill No. 587: By Senator O'Gara—An act relating to the establishment, operation and regulation of motor vehicle parking facilities for the purpose of motor vehicle parking and uses incidental thereto, for the purpose of traffic regulation in cities of this State, providing ways and means therefor and declaring the necessity thereof; and to declare an emergency.

Referred to Committee on Transportation.

Senate Bill No. 588: By Senator Sutton—An act to amend Section 92 of the Agricultural Code, relating to agricultural fairs.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 589: By Senators Regan, Ward, and Keating—An act to amend Section 6050 of the Penal Code, relating to the wardens and superintendents of state correctional institutions.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 590: By Senator Parkman—An act to amend Section 14033 of the Government Code, relating to the revolving fund of the Division of Architecture.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 591: By Senator Parkman—An act to amend Section 185 of the Streets and Highways Code, relating to the revolving fund of the Division of Highways.

Referred to Committee on Transportation.

Senate Bill No. 592: By Senators Jespersen and Dillinger—An act to authorize cities and the legislative bodies thereof to acquire, construct, maintain and operate public parking places for automobiles and to issue and sell revenue bonds to finance the same and to provide for the use and expenditure of the proceeds of such bonds and the use and disposition of revenue arising from public parking places so financed.

Referred to Committee to Local Government.

Senate Bill No. 593: By Senator Rich—An act to amend Section 382 of the Vehicle Code, relating to fees for duplicate operators and chauffeurs licenses.

Referred to Committee on Transportation.

Senate Bill No. 594: By Senators O'Gara, Powers, Keating, Salsman, Miller, Regan, Breed, and Michael J. Burns—An act to establish a commission on organization of the executive department of the State Government prescribing its duties and functions, and making an appropriation.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 12: By Senator Tenney—Proposed amendment to the Constitution of the State, by adding to Article XIII thereof a new section to be numbered 1.7, relating to an optional in lieu property tax on farm homesteads and residential property.

Referred to Committee on Revenue and Taxation.

Senate Constitutional Amendment No. 13: By Senators Tenney, Kraft, Dilworth, Williams, Watson, Weybret, Hugh M. Burns, and Sutton—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 9 of Article IX, relating to the University of California.

Referred to Committee on Education.

Senate Constitutional Amendment No. 14: By Senators Tenney, Kraft, Dilworth, Williams, Watson, Weybret, and Hugh M. Burns—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article XX, relating to oaths of office.

Referred to Committee on Judiciary.

Senate Joint Resolution No. 9: By Senators Powers and Hatfield—Relative to funds for the Joint Commission for the Eradication of Foot and Mouth Disease in the Republic of Mexico.

Referred to Committee on Rules.

Senate Joint Resolution No. 10: By Senators Powers and Hatfield—Relative to the Federal Livestock Disease Research Laboratory.

Referred to Committee on Rules.

Senate Joint Resolution No. 11: By Senator Hatfield—Relative to memorializing the President and the Congress of the United States in relation to establishing a 10-year experimental range program.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 25: By Senators Donnelly and Hatfield—Relative to a highway between Altamont Pass and Grapevine.

Referred to Committee on Transportation.

Senate Concurrent Resolution No. 26: By Senator Powers—Relative to adjournment of the Legislature for the Constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

Request for Unanimous Consent

Senator Powers asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 26, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 26

Senate Concurrent Resolution No. 26—Relative to adjournment of the Legislature for the Constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Weybret, and Williams—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

LETTER OF TRANSMITTAL

SENATE, CALIFORNIA LEGISLATURE

January 20, 1949

MR. PRESIDENT: I submit herewith the Report of the Subcommittee of the Standing Committee on Transportation. (S. R. 142-143—Committee on Rules.)

COLLIER, Vice Chairman

Letter of Transmittal ordered printed in Journal and report ordered printed in appendix to the Journal.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 24, 1949

MR. PRESIDENT: The Committee on Rules has appointed Senators Swing, Hatfield, and Hulse to the Wildlife Conservation Board in accordance with the provisions of Chapter 1325 of the Statutes of 1947.

POWERS, Chairman

ADJOURNMENT

At 2.29 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 11 a.m., Tuesday, January 25, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTEENTH LEGISLATIVE DAY

TWENTY-THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, January 25, 1949

The Senate met at 11 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Weybret, on motion of Senator Brown, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Paul Baulker of Alturas.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James L. McCormack of Sacramento and George Bronner of Camarillo.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. H. Armington and Sadie Perlin, both of Los Angeles.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Lois Scarella, Clarence Clark, Hugh H. Young, Oliver A. Jones, Frank A. Maderos, C. H. Abelle of Pinole, and C. T. Butler of Hercules.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Norman H. Holt, Secretary, Central Valley Highway Association, and President, California State Association of Chamber of Commerce of Hanford.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph S. Rogers and Robert Dunn, both of San Francisco.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles McGoldrick, District Attorney, and Dennis Kelgan, Deputy District Attorney of Santa Rosa.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Herbert Jones, Mrs. Emile Godoy, Mr. Frazier O. Reed of San Jose, and Mrs. Miriam Stelling of Cupertino.

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Robert Vincent, teacher, and the following students of the Clarksburg eighth grade class:

Nancy Manica, Jo Ann Monice, Marilyn Neves, Carole Azeveda, Ruby Remien, Delia Widener, Joy Oakden, Charles Yogi, Robert Tokunaga, Maurice Taylor, Candelario Martinez, Paulina Whitlow, Emilia Ayala, Fumiye Nishisioka, Kiyoko Iwamoto, Doreen Perry, James Perry, Beverly Correa, Dorothy Wilson, James Dolan, Keith Culley, Dale Bielefeld, Robert Pettis, Jean Ota, and Mary Breckenridge.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 62

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 62—An act providing for a declaration of a water shortage emergency by the governing body of a distributor of a public water supply, authorizing the regulation and restriction of water deliveries and consumption during a water shortage emergency, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 25, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Joint Resolution No. 6

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, January 24, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Assembly Bill No. 59

Assembly Bill No. 60

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; noes 0; absent 3.

WARD, Chairman

Above reported bills ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, January 25, 1949

MR. PRESIDENT: The Committee on Transportation, to which were referred:

Assembly Bill No. 271

Assembly Bill No. 425

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 12; absent 1.

COLLIER, Chairman

Above reported bills ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Salsman asked for, and was granted, unanimous consent to take up Assembly Bill No. 271, at this time, for the purpose of amendment.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 271—An act to amend Section 2 of an act entitled "An act to provide for the relocation of a portion of State Highway Route 5 in Santa Clara County, making an appropriation therefor, and declaring the urgency hereof, to take effect immediately," approved July 17, 1947, relating to relocation of a portion of State Highway Route 5, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, in line 7 after the word "law", strike out the comma, and insert a period.

Amendment No. 2

On page 1 of said bill, in line 7 after the word "law" insert "Nothing herein shall affect or limit the powers, duties or jurisdiction of the Department of Public Works as set forth in Chapter 5 of Part 1, Division 3, of the Water Code."

Amendment No. 3

On page 2, line 11, of said bill, strike out "SEC. 3." and insert "SEC. 2."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

REPORTS OF STANDING COMMITTEES**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, January 25, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was referred:

Assembly Joint Resolution No. 8

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 9; committee vote: Ayes 8; noes 0; absent 1.

SUTTON, Chairman

Above reported resolution ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, January 25, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Assembly Bill No. 295

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

COLLIER, Chairman

Above reported bill ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Senators Sutton, Dilworth, Coombs, Gibson, and Busch:

Senate Resolution No. 43

Relative to the continuance of the Senate Interim Committee on Veterans Affairs

Resolved by the Senate of the State of California, As follows:

1. The Senate Interim Committee on Veterans Affairs created by Senate Resolution No. 100 of the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers, and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, with authority to file a final report on or before the last legislative day.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of three thousand five hundred ninety-five dollars and forty-eight cents (\$3,595.48) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

LETTER OF TRANSMITTAL

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC HEALTH

SAN FRANCISCO, January 5, 1949

The Honorable Earl Warren, Governor

The Honorable Goodwin J. Knight, Lieutenant Governor

The Honorable Sam L. Collins, Speaker of the Assembly

GENTLEMEN: In accordance with Senate Concurrent Resolution No. 31 of the 1947 Session of the Legislature, the State Department of Public Health has conducted

a survey of the problem of rheumatic fever in California, and I have the honor to transmit to you this Report on the Rheumatic Fever Survey.

Very sincerely yours,

WILTON L. HALVERSON, M.D.
Director of Public Health

Letter of Transmittal ordered printed in the Journal and report ordered printed in appendix to the Journal.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Joint Resolution No. 6—Relative to memorializing the President and the Congress of the United States in relation to two irrigation canals to supply water from the Sacramento River to areas in Northern California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, and Williams—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 33—Relative to the continuance of the Legislative Constitutional Revision Committee.

Resolution read, and presented by Senator Hatfield.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, and Williams—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 35—Relative to the seventy-fifth anniversary of Sacred Heart College High School.

Resolution read, and presented by Senator O'Gara.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, and Williams—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 43—An act to amend Section 252 of the Revenue and Taxation Code, relating to affidavits for exemption and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Breed.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Watson, and Williams—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 27—An act making an appropriation for support of the Department of the California Highway Patrol for the 1948-49 Fiscal Year, providing for the transfer of such appropriation, to take effect immediately.

Bill read third time, and presented by Senator Rich.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 27.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 18, 1949

*To the Honorable Members of the Senate
Sacramento, California*

GENTLEMEN:

Assembly Bill No. 27, "An act making an appropriation for support of the Department of the California Highway Patrol for the 1948-49 Fiscal Year, providing for the transfer of such appropriation, to take effect immediately."

In my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

This bill is in lieu of the appropriation made by Item 188 of the Budget Act of 1948 which omitted reference to the Motor Vehicle Fund, thus inadvertently making the item payable from the General Fund. Under existing provisions of law money was transferred temporarily from the Department of Motor Vehicles to the Department of the California Highway Patrol. This bill does not appropriate additional or new money, but makes possible a return of the money transferred from the Department of Motor Vehicles to reflect the true intention of the Budget Act of 1948.

I therefore recommend consideration of Assembly Bill No. 27 as an emergency measure.

Respectfully submitted,

EARL WARREN, Governor

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 476—An act making an appropriation in augmentation of the appropriation in Item 337 of the Budget Act of 1948,

for support of the Department of Social Welfare, and amending Section 124 of the Welfare and Institutions Code, relating to availability of appropriations, to take effect immediately.

Bill read third time and presented by Senator Rich.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 476:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 18, 1949

*To the Honorable Members of the Senate
Sacramento, California*

GENTLEMEN:

Assembly Bill No. 476, "An act making an appropriation in augmentation of the appropriation in Item 337 of the Budget Act of 1948, for support of the Department of Social Welfare, to take effect immediately,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

This bill makes an appropriation to augment the appropriation for the support of the Department of Social Welfare for the current fiscal year to take care of the cost of administering Article XXV of the Constitution.

I therefore recommend consideration of Assembly Bill No. 476 as an emergency measure.

Respectfully submitted,

EARL WARREN, Governor

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jepsen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, and Tenney—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 477—An act making an appropriation in augmentation of the appropriation in Item 144 of the Budget Act of 1948, for support of the State Controller, to take effect immediately.

Bill read third time, and presented by Senator Rich.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 477:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 18, 1949

*To the Honorable Members of the Senate
Sacramento, California*

GENTLEMEN:

Assembly Bill No. 477, "An act making an appropriation in augmentation of the appropriation in Item 144 of the Budget Act of 1948, for support of the State Controller, to take effect immediately,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

This bill makes an appropriation to augment the appropriation for the support of the State Controller for the current fiscal year to take care of the cost of administering Article XXV of the Constitution.

I therefore recommend consideration of Assembly Bill No. 477 as an emergency measure.

Respectfully submitted,

EARL WARREN, Governor

The roll was called, and the bill passed by the following vote:

AYES—Senators Atchard, Beach, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Lullinger, Hornally, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jorgensen, Johnson, Jovine, Keating, Kraft, Mayer, McBroide, Miller, O'Gara, Parkman, Powers, Rogan, Rich, Sutton, Swang, Tenney, Ward, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 87—An act to amend an act entitled "An act to create a district to be called 'The Santa Barbara County Water Agency' for the purpose of controlling and conserving storm, flood and other surface waters, for any beneficial use and for the protection of life and property in said district, for the purpose of cooperating and contracting with municipalities and certain districts for the storage and diversion, the transportation and delivery, and the sale or other disposition of such water; to provide for the powers of such district necessary to carry out its purposes including the right to contract, the right to acquire property and to acquire or construct or have constructed dams, conduits, and other works for the control, conservation, diversion and transportation of such water, certain rights to appropriate water, to acquire water rights, and to sell water and collect charges for water used; to provide for the organization, government and management of said district and establishing the boundaries thereof; to provide for the appointment, powers, duties, liabilities and compensation of the officers and employees of said district; to provide certain officers and employees of the County of Santa Barbara shall be ex officio officers and employees of said district; to authorize the incurring of indebtedness, the voting and/or issuing and selling of bonds, the voting and/or levying and collection of special assessments, the levying and collection of taxes; to provide certain limitation on creation of indebtedness, levying of taxes and special assessments and issuance of bonds; to provide that the existence, property and powers of municipalities or public districts located within or partially within said district shall not be affected by this act; and to empower municipalities, county water districts, water conservation districts, flood control districts, and any other political subdivisions of the State empowered by law to appropriate water and to deliver it to users, to enter into contracts with the agency and to carry out the terms of such contracts, and providing for the dissolution of such agency," by amending the title of said act, by amending sections numbered 2, 5.1, 5.3, 5.4, 5.7, 6.1, 6.3, 9.1, 10.1, and 10.2 of said act, all relating to the power of said agency on behalf of itself or its member units to acquire water or a water supply, to purchase and sell water, to cooperate and contract in connection with such water, water supply, and purchase and sale of water with the United States, the State, municipalities and certain public districts, to assume certain indebtedness as principal, guarantor or underwriter, to make certain

contributions in aid of purchasing or obtaining water or a water supply or works, to suspend delivery of water to member units, imposing certain limitations on indebtedness and taxes, defining member units of said agency and establishing certain powers, rights and liabilities of such member units and their power to contract with said agency in connection with such water or water supply, or purchase and sale of water, declaring the urgency hereof, to take effect immediately.

Bill read third time, and presented by Senator Ward.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Powers, Regan, Sutton, Swing, Tenney, Ward, and Williams—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Ward, Watson, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 383—An act to amend Section 1 of an act entitled "An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts," approved July 1, 1937, as amended, and to amend Section 53737 of the Government Code, relating to capital outlays by cities, counties, cities and counties, or districts, declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Kraft.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—38.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, and Watson—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 25, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Joint Resolution No. 8

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; noes 0; absent 1.

POWERS, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 8, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 8

Senate Joint Resolution No. 8—Relative to the proposed International Animal Quarantine Station on Swan Island.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Dredash, Gibson, Hatfield, Hulse, Jaspersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—38.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 25, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Assembly Joint Resolution No. 9

Has had the same under consideration, and reports the same back with the recommendation: Be adopted, and be re-referred to Committee on Military and Veterans Affairs.

Committee membership 5; committee vote: Ayes 4; noes 0; absent 1.

POWERS, Chairman

Above reported resolution re-referred to Committee on Military and Veterans Affairs.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 22

Senate Concurrent Resolution No. 23

Senate Concurrent Resolution No. 24

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 10

Assembly Joint Resolution No. 13

Assembly Joint Resolution No. 15

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Joint Resolution No. 10—Relative to memorializing the Congress of the United States in relation to the waters of the Colorado River.

Referred to Committee on Rules.

Assembly Joint Resolution No. 13—Relative to memorializing the President and the Congress of the United States in relation to establishing parity prices for California products.

Referred to Committee on Rules.

Assembly Joint Resolution No. 15—Relative to the tidelands and submerged lands adjacent to the coast of California.

Request for Unanimous Consent

Senator Regan asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 15, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 15

Assembly Joint Resolution No. 15—Relative to the tidelands and submerged lands adjacent to the coast of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—38.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 16

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **HAROLD F. LEWRIGHT**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 38

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **PAUL CRUM**, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Concurrent Resolution No. 16—Relative to naming the freeway between San Diego and Tia Juana the John J. Montgomery Freeway.

Referred to Committee on Transportation.

Assembly Concurrent Resolution No. 38—Relative to the creation of the Joint Committee on Governmental Reorganization.

Referred to Committee on Governmental Efficiency.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 27: By Senators Powers, Hatfield, and Crittenden—Relative to assistance to producers of livestock in the intermountain states.

Request for Unanimous Consent

Senator Powers asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 27, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 27

Senate Concurrent Resolution No. 27—Relative to assistance to producers of livestock in the intermountain states.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—38.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 595: By Senator Gibson—An act to validate certain acts, proceedings, contracts, and expenditures in relation to the improvement of county-owned property for fair purposes, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, JANUARY 25, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 595

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 0; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 596: By Senator Breed—An act to amend Section 526 and to repeal Section 252 of the Streets and Highways Code, relating to state highway routes.

Referred to Committee on Transportation.

Senate Bill No. 597: By Senator Breed—An act to amend Section 315 of the Municipal Utility District Act, relating to nomination of directors of a municipal utility district.

Referred to Committee on Local Government.

Senate Bill No. 598: By Senator Breed—An act to add Article 5 to Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code and to amend Section 3325 of said code, relating to institutions for the blind under the jurisdiction of the Department of Education.

Referred to Committee on Institutions.

Senate Bill No. 599: By Senator Regan—An act to add Sections 3066, 3066a, 3066b, 3066c, 3066d, and 3066e to the Civil Code, to provide for liens in favor of hospitals in this State upon all causes of action for damages accruing to an injured person therein or to the legal representatives of such person for the reasonable charges for hospital care, treatment and maintenance necessitated by the injuries giving rise to such causes of action.

Referred to Committee on Judiciary.

Senate Bill No. 600: By Senator Gibson—An act to amend Section 9.15 of the Building and Loan Association Act, relating to limitation on single loans.

Referred to Committee on Financial Institutions.

Senate Bill No. 601: By Senators Hatfield and Rich—An act to add Sections 170, 171, and 172 to the Government Code, relating to the boundary of the State of California along the Pacific Coast and to the inland waters of California in coastal areas, giving greater precision thereto by declaring the lines thereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 602: By Senators Tenney, Breed, Dilworth, and Jespersen—An act creating the Los Angeles River Freeway Commission, defining its powers and duties and making an appropriation for its support.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 603: By Senator Johnson—An act to add Section 6962 to the Education Code, relating to the education of adults.

Referred to Committee on Education.

Senate Bill No. 604: By Senator Coombs—An act to amend Section 432 of the Education Code, relating to the superintendent of schools of a county of the thirty-second class.

Referred to Committee on Education.

Senate Bill No. 605: By Senator Breed—An act to amend Section 11493 of, and to add Section 11511 to, the Insurance Code, relating to nonprofit hospital service corporations and plans.

Referred to Committee on Financial Institutions.

Senate Bill No. 606: By Senators Miller, McBride, Hugh M. Burns, Parkman, Judah, and Swing—An act to add Sections 35 and 36 to the Construction and Employment Act, making an appropriation to be allocated to cities incorporated on or after September 19, 1947, and before the effective date of this act.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 607: By Senator Busch—An act to amend Section 28151 of the Government Code, relating to compensation for public services in counties.

Referred to Committee on Local Government.

Senate Bill No. 608: By Senator Busch—An act to amend Section 2175 of the Business and Professions Code, relating to persons authorized to practice medicine and surgery in institutions under the jurisdiction of the Department of Mental Hygiene.

Referred to Committee on Business and Professions.

Senate Bill No. 609: By Senator Busch—An act to add Section 5710 to the Welfare and Institutions Code, relating to information, records, and a directory concerning private institutions licensed by the Department of Mental Hygiene.

Referred to Committee on Social Welfare.

Senate Bill No. 610: By Senator Busch—An act to repeal Sections 219, 220, and 221 of the Welfare and Institutions Code, relating to the registration of charities.

Referred to Committee on Social Welfare.

Senate Bill No. 611: By Senators Coombs, Michael J. Burns, Keating, Busch, Abshire, Collier, and O'Gara—An act to add Chapter 9.5, comprising Sections 27175 to 27175.4, inclusive, to Part 3, Division 16, of the Streets and Highways Code, relating to the acquisition, construction, maintenance, and operation of toll roads by bridge and highway districts, and the issuance and sale of revenue bonds for such purposes.

Referred to Committee on Transportation.

Senate Bill No. 612: By Senators Coombs, Michael J. Burns, Keating, Busch, Abshire, Collier, and O'Gara—An act amending Section 27020 of the Streets and Highways Code, relating to bridge and highway districts.

Referred to Committee on Transportation.

Senate Bill No. 613: By Senators Coombs, Michael J. Burns, Keating, Busch, Abshire, Collier, and O'Gara—An act to amend the title of, and to add Section 1.5 to, an act entitled "An act to provide for the construction of a road in Marin County, and including its incorporation into the State Highway System, and making an appropriation," approved July 18, 1945, relating to the purposes of expenditure of said appropriation, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

Senate Bill No. 614: By Senator Powers—An act to amend Section 2 of the California State Communications Act, relating to the California State Communications Advisory Board.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 615: By Senators Coombs, Michael J. Burns, Keating, Busch, Abshire, and Collier—An act to amend Section 27164 of the Streets and Highways Code, relating to bridge and highway districts, and to the acquisition and construction of property thereby.

Referred to Committee on Transportation.

Senate Bill No. 616: By Senators Coombs, Michael J. Burns, Keating, Busch, Abshire, Collier, and O'Gara—An act to amend Section 27163 of the Streets and Highways Code, relating to bridge and highway districts.

Referred to Committee on Transportation.

Senate Bill No. 617: By Senators Coombs, Michael J. Burns, Keating, Busch, Abshire, Collier, and O'Gara—An act to amend Section 27122 of the Streets and Highways Code, relating to bridge and highway districts, and the number of directors thereof.

Referred to Committee on Transportation.

Senate Bill No. 618: By Senators Coombs, Michael J. Burns, Keating, Busch, Abshire, and O'Gara—An act to amend the title of, and to add Sections 1.5 and 3 to "An act to provide for the construction of a road in Marin County, and including its incorporation into the State Highway System, and making an appropriation," approved July 18, 1945, and to validate contracts executed by the State of California and the Golden Gate Bridge and Highway District in pursuance of said act, relating to public bridges and highways.

Referred to Committee on Transportation.

Senate Bill No. 619: By Senators Coombs, Michael J. Burns, Keating, Busch, Abshire, Collier, and O'Gara—An act to amend Sections 27281 and 27300 of the Streets and Highways Code, and to add Sections 27174, 27281a, and 27300a thereto, relating to bridge and highway districts.

Referred to Committee on Transportation.

Senate Bill No. 620: By Senators Coombs, Michael J. Burns, Keating, Busch, Abshire, and O'Gara—An act to provide for the transfer of title and easement to the highway known as Sausalito Lateral by the State

Highway Commission from Golden Gate Bridge and Highway District, and to provide for the incorporation of such highway in the State Highway System of the State of California.

Referred to Committee on Transportation.

Senate Bill No. 621: By Senators Coombs, Michael J. Burns, Keating, Buseh, Abshire, and O'Gara—An act to amend Section 302 of the Streets and Highways Code, relating to state highway routes.

Referred to Committee on Transportation.

Senate Bill No. 622: By Senator Dilworth—An act making an appropriation for the acquisition and improvement of sites and construction and equipment of buildings to provide for the expansion of publicly supported higher education.

Referred to Committee on Education.

Senate Bill No. 623: By Senator Dillinger—An act to amend Section 28148 of the Government Code, relating to county officers' salaries.

Referred to Committee on Local Government.

Senate Bill No. 624: By Senator Dillinger—An act to amend Section 65 of the Labor Code, relating to conciliation and arbitration of labor disputes.

Referred to Committee on Labor.

Senate Bill No. 625: By Senator Dillinger—An act to amend Section 6803 of the Education Code, relating to daily attendance.

Referred to Committee on Education.

Senate Bill No. 626: By Senator Mayo—An act to amend Sections 507, 2203, and 2207 of, and to add Section 507.1 to, the Public Resources Code, relating to the administration and functions of the Division of Mines.

Referred to Committee on Natural Resources.

Senate Bill No. 627: By Senators Jespersen, Salsman, Swing, and O'Gara—An act to amend Section 4 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended, relating to fines and obligations of officers.

Referred to Committee on Financial Institutions.

Senate Bill No. 628: By Senator Jespersen—An act to amend Section 737nn of the Political Code, relating to the compensation of the judge of the Superior Court in and for the County of San Luis Obispo.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 629: By Senator Sutton—An act to amend Sections 608, 609, 613, 614, 616.2, 619, 620, and 620.5 of, and to add Section 612.5 to, the Agricultural Code, relating to cheese.

Referred to Committee on Agriculture.

Senate Bill No. 630: By Senators Judah, Dorsey, Jespersen, Dillinger, and Sutton—An act to amend Sections 19485.1 and 19620.1 of

the Business and Professions Code, relating to license fees of licensees conducting horse racing meetings, and providing for the use of a portion of such fees to carry out the provisions of the California Academies Act.

Referred to Committee on Business and Professions.

Senate Bill No. 631: By Senator Judah—An act to add Section 420.1 to the Fish and Game Code, relating to fishing and hunting licenses.

Referred to Committee on Fish and Game.

Senate Bill No. 632: By Senator Judah—An act to amend Sections 20126, 20894.5, 21028, 21251.1, 21253, 21452, and 21453 of the Government Code, and to add Section 20337 to Article 2 of Chapter 3 and Section 21371 to Article 5 of Chapter 9 of Part 3 of Division 5 of Title 2 thereof, all relating to the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 633: By Senator Crittenden—An act to repeal Chapter 1083 of the Statutes of 1931, approved June 19, 1931, relating to the impounding and utilization of the waters of the American River.

Referred to Committee on Water Resources.

Senate Bill No. 634: By Senator Crittenden—An act to repeal Chapter 413 of the Statutes of 1935, approved July 9, 1935, relating to the Rector Dam Authority.

Referred to Committee on Water Resources.

Senate Bill No. 635: By Senator Crittenden—An act to repeal "An act in relation to the act of Congress known as the Carey Act, and all acts amendatory thereof and supplemental thereto, and giving authority to a commission in the investigation, selection, reclamation, control and disposal of all lands granted the state under the provisions thereof," approved June 4, 1915.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 636: By Senator O'Gara—An act to add Sections 241.1 and 242.1 to the Code of Civil Procedure, relating to an alternate method of choosing grand juries in counties or cities and counties of three hundred thousand inhabitants or over.

Referred to Committee on Judiciary.

Senate Bill No. 637: By Senator O'Gara—An act to amend Section 1 of the Highway Carriers Act, relating to highway carriers.

Referred to Committee on Transportation.

Senate Bill No. 638: By Senator Swing—An act to amend Section 3 of the Wildlife and Conservation Act of 1947, relating to expenditure of moneys in the Wildlife Restoration Fund.

Referred to Committee on Fish and Game.

Senate Bill No. 639: By Senator Swing—An act to amend Section 19627 of the Business and Professions Code, relating to the state revenue derived from horse racing licenses.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 640: By Senator Salsman—An act making an appropriation to the California Aeronautics Commission for the purpose of assisting political subdivisions in construction and improvement of airports.

Referred to Committee on Transportation.

Senate Bill No. 641: By Senator Salsman—An act to amend Section 8352 of, and to add Sections 8354 to 8356, inclusive, to the Revenue and Taxation Code, and to add Section 28 to the State Aeronautics Commission Act, relating to aviation and airports and the financing thereof, including revenue from taxes on motor vehicle fuel.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 642: By Senator Dilworth—An act to add Chapter 1.7, comprising Section 5100, to Division 3 of the Education Code, relating to the construction of buildings for unified or reorganized school districts, and making an appropriation therefor.

Referred to Committee on Education.

Senate Bill No. 643: By Senator Dillinger—An act to add Sections 5.5, 22.5, and 22.6 to the Alcoholic Beverage Control Act, relating to fees in addition to annual license fees, and the use thereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 644: By Senator Dillinger—An act to repeal Sections 9.5, 41.1, and 102 of, and amend Sections 9, 9.2, 45, 45.5, 53, 54, 55, 57, 71, 151, 205, and 252 of, and add Section 41.1 to the Unemployment Insurance Act, relating to unemployment insurance and disability insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 645: By Senator Keating—An act authorizing suit against the State of California to quiet title to certain tidelands.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 646: By Senators Keating, Tenney, O'Gara, Regan, and Kraft—An act to amend Sections 736 and 736a of the Political Code, relating to the salaries of justices of the Supreme Court and of the district courts of appeal.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 647: By Senator Keating—An act to amend Section 1013 of the Code of Civil Procedure, relating to service by mail.

Referred to Committee on Judiciary.

Senate Bill No. 648: By Senator Crittenden—An act to repeal Chapter 101 of the Statutes of 1929, approved April 12, 1929, relating to the impounding and utilization of the waters of the American River.

Referred to Committee on Water Resources.

Senate Bill No. 649: By Senator Crittenden—An act to repeal Chapter 569 of the Statutes of 1927, approved May 17, 1927, relating to the impounding and utilization of the waters of the American River.

Referred to Committee on Water Resources.

Senate Bill No. 650: By Senator Breed—An act to create a flood control district to be called Alameda County Flood Control and Water Conservation District; to provide for the control and conservation of flood and storm waters and the protection of water-courses, watersheds, harbors, public highways, life and property from damage or destruction from such waters; to prevent the waste of water or the diminution of the water supply in, or the exportation of water from said district, and to import water into said district and to obtain, retain and reclaim drainage, storm, flood and other waters and to save and conserve all or any of such waters for beneficial use in said district; to authorize the incurring of indebtedness, the issuance of sale of bonds, and the levying and collection of taxes and assessments on property within said district and in the respective zones thereof; to provide for the government, management, and operation of said district and for the acquisition and construction of property and works to carry out the purposes of the district; to define the powers of said district and its officers, including the power to engage in recreational activities incidental to and in connection with said purposes.

Referred to Committee on Water Resources.

Senate Bill No. 651: By Senator Keating—An act to amend Sections 5260, 6650, and 7012, and to repeal Sections 7009, 7010, 7011, and 7015, of the Welfare and Institutions Code, relating to mentally deficient persons.

Referred to Committee on Institutions.

Senate Bill No. 652: By Senator Keating—An act to amend Sections 1804 and 1829 of the Education Code, relating to elections for members of governing boards of elementary school districts.

Referred to Committee on Education.

Senate Bill No. 653: By Senator Keating—An act to add Section 16006 to the Education Code, relating to the admission of pupils to school.

Referred to Committee on Education.

Senate Bill No. 654: By Senator Brown—An act to amend and renumber Section 6210.3 of the Public Resources Code, added to said code by an act entitled "An act to add Sections 6210.3, 6210.4, and 6220 to the Public Resources Code, relating to reservations of easements for convenient access, in sale, lease or rental of state-owned lands, and to acceptance of quitclaim deeds by the State Land Commission," approved May 20, 1943, and to amend and renumber Sections 6210.4 and 6210.5 of the Public Resources Code, relating to public lands.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 655: By Senator Brown—An act providing for the sale of certain state lands, giving the owner of proximate land a preferential right to purchase same.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 656: By Senator Brown—An act to amend Section 6303 of the Public Resources Code, relating to state lands, granting privileges with respect thereto.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 657: By Senator Brown—An act to repeal an act entitled "An act withdrawing certain state land from sale or lease and setting the same aside for the use and benefit of Indians," approved May 30, 1923.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 658: By Senator Brown—An act to authorize and validate sales of state land made by the State Lands Commission during the calendar year 1948.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 659: By Senator Brown—An act to amend Section 7410 of the Public Resources Code, relating to state lands, removing acreage limitations on purchases thereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 660: By Senator Brown—An act to amend Section 7704 of the Public Resources Code, relating to unapproved applications for purchase of state lands.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 661: By Senator Brown—An act to amend Section 7406 of the Public Resources Code, relating to public land selections.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 662: By Senator Brown—An act to amend Section 6897 of the Public Resources Code, relating to deposits of minerals on state lands.

Referred to Committee on Natural Resources.

Senate Bill No. 663: By Senator Brown—An act to amend Section 7729 of the Public Resources Code, relative to the issuance of patents for state lands.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 664: By Senator Brown—An act to amend Section 7705 of the Public Resources Code, relating to state lands open and closed to purchase.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 665: By Senator Brown—An act to amend Section 7706 of the Public Resources Code, relating to applications for the purchase of state lands.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 666: By Senator Brown—An act to amend Section 6323 of the Public Resources Code, relating to the administration and control of swamp, overflowed, tide or submerged lands and structures thereon.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 667: By Senator Desmond—An act to amend Section 802 of the Fish and Game Code, relating to shellfish.

Referred to Committee on Fish and Game.

Senate Bill No. 668: By Senator Desmond—An act to amend Section 1295 of the Penal Code, relating to bail and deposits instead of bail.

Referred to Committee on Judiciary.

Senate Bill No. 669: By Senator Desmond—An act to amend Sections 1648.3, 1676, and 1677 of, and to repeal Sections 1677.1 and 1679.2 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 670: By Senator Desmond—An act to amend Section 2472 of the Civil Code and Section 15700 of the Corporations Code, relating to service of process on foreign partnerships, and specifying the duties of the Secretary of State in connection therewith.

Referred to Committee on Judiciary.

Senate Bill No. 671: By Senator Desmond—An act to amend Section 18102 of the Government Code, relating to sick leave.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 672: By Senator Desmond—An act to add Section 8828 to the Education Code, relating to the discontinuance of junior colleges.

Referred to Committee on Education.

Senate Bill No. 673: By Senator Desmond—An act to add Section 429.1 to the Fish and Game Code, relating to hunting and fishing licenses.

Referred to Committee on Fish and Game.

Senate Bill No. 674: By Senator Desmond—An act to provide for the expansion of publicly supported higher education and making an appropriation therefor; and to repeal an act entitled "An act establishing a four-year institution of higher education in the City of Sacramento, County of Sacramento," approved July 1, 1947 (Chapter 1017 of the Statutes of 1947), and an act entitled "An act making an appropriation for the establishment, equipment and maintenance of a four-year state institution of higher education at Sacramento," approved July 10, 1947 (Chapter 1349 of the Statutes of 1947), all relating to the system of publicly supported higher education, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 675: By Senator Watson—An act to amend Section 281111 of the Government Code, relating to compensation for public service in counties of the eleventh class.

Referred to Committee on Local Government.

Senate Bill No. 676: By Senator Williams—An act to add Article 6 to Chapter 4 of Part 5 of Division 11 of the Water Code, relating to quieting of title to tax-deeded property of an irrigation district.

Referred to Committee on Judiciary.

Senate Bill No. 687: By Senator McBride—An act to add Section 104.65 to the Streets and Highways Code, relating to income from rental of properties acquired for highway purposes.

Referred to Committee on Transportation.

Senate Bill No. 688: By Senator McBride—An act to amend Section 1184e of the Code of Civil Procedure, relating to claims of laborers or materialmen on public contracts.

Referred to Committee on Transportation.

Senate Concurrent Resolution No. 28: By Senator Breed—Relative to creating an Interim Committee on the State Program for the Adult Blind.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 29: By Senators O'Gara, Tenney, Miller, Desmond, and Breed—Relative to the designation of U. S. Route 50 as the George Washington Highway.

Referred to Committee on Transportation.

Senate Joint Resolution No. 12: By Senators Sutton, O'Gara, Dilworth, Tenney, Dorsey, Gibson, and Busch—Relative to memorializing the President and the Congress of the United States in relation to the retention of the National Guard under state control.

Referred to Committee on Military and Veteran Affairs.

Senate Joint Resolution No. 13: By Senators Brown, Mayo, Collier, Johnson, and Dillinger—Relative to memorializing the President and the Congress of the United States in relation to the forestry service special use permit fees.

Referred to Committee on Rules.

Senate Joint Resolution No. 14: By Senator Salsman—Relative to memorializing the Congress of the United States in relation to repealing the transportation tax.

Referred to Committee on Rules.

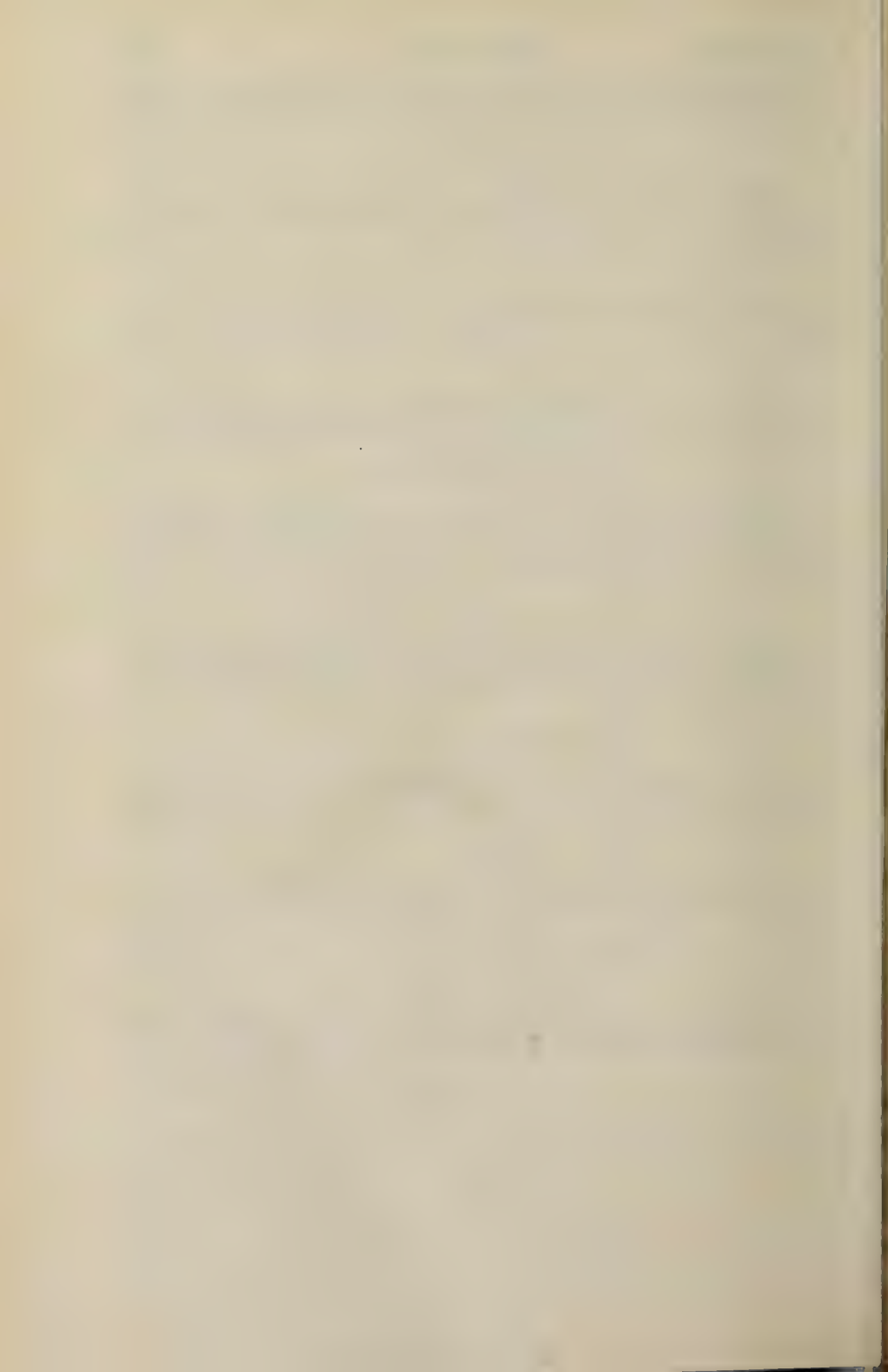
Senate Joint Resolution No. 15: By Senator Dillinger—Relative to memorializing Congress to enact legislation for the relief of gold mining.

Referred to Committee on Rules.

ADJOURNMENT

At 12.44 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 11 a.m., Wednesday, January 26, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

EIGHTEENTH LEGISLATIVE DAY

TWENTY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, January 26, 1949

The Senate met at 11 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Ward, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sol A. Thomas of San Francisco.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. J. Milton, Director of Counseling, Courtland Joint Union High School, and the following students of the senior class: Eiko Adachi, Evon Amick, Bonnie Brinser, Tom Brown, Violet Burch, Lois Carson, John Chan, Don Christian, Robert Cummings, Edward Dahlberg, William Dahlberg, Christele Dearman, Laura De Herra, Rosalie Delgado, Rudy Delgado, James

Dougherty, Dolores Esquivel, Michael Esquivel, George Fong, Loren Harter, Esperanza Hernandez, Annie Howard, Mieko Iseri, Eddie Ito, Alvin Jonson, Ethel Jonson, Goro Kawamura, Pearl Kinoshita, Yoshio Kobuke, Beverly La Guerra, Clifford Lee, Elaine Lee, Evelyn Mar, Henry Oda, Shigeru Ohara, Mas Okabe, Ronnie Reeve, Anne Richards, Mildred Rueb, Lily Shinozaki, Meade Simpson, Henry Span, Marcelino Vigil, Alice Watanabe, Julia Werlinger, Donald White, Mary Jane Wilkinson, Gissie Wise, Sachiko Yoshida, and Norman Zgraggen.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frederick Charles Dockweiler of Los Angeles; M. M. Moody of Oakland, Chairman; Harold Rhoten of San Jose, Ray Harlan of Visalia, C. R. Criswell of Stockton, Jack Metzger of Long Beach, L. W. Stilwell of Los Angeles and Jack Spratt of Monterey, members of the Motor Hotel Association.

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Jesse M. Mayo of Angels Camp, Jesse M. Mayo, Jr., U. S. Airforce, Hamilton Field, Joan Loomis, and C. D. Folendorf, both of Angels Camp.

On request of Senator Weybret, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Ed Tickle of Monterey.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jim Frayer, Mrs. Paula Frayer, Richard Bristow and Maurice Dwight, all of Turlock.

On request of Senator Gibson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank O. Bell, Chairman, Board of Supervisors of Solano County and B. H. Russell, both of Vallejo.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 6

Assembly Concurrent Resolution No. 43

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Joint Resolution No. 6—Relative to California water projects.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 43—Relative to approving amendments to the charter of the City of Huntington Beach, a municipal corporation in the County of Orange, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the thirteenth day of April, 1948.

Request for Unanimous Consent

Senator Watson asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 43, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 43

Assembly Concurrent Resolution No. 43—Relative to approving amendments to the charter of the City of Huntington Beach, a municipal corporation in the County of Orange, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the thirteenth day of April, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Buseh, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Watson, Weybret, and Williams—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, January 25, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was referred:

Senate Joint Resolution No. 12

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 7; absent 2.

SUTTON, Chairman

Above reported resolution ordered to third reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 25, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 21—Respecting the discovery of gold at Coloma;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twenty-fifth day of January, 1949, at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, January 25, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 72—An act to amend Section 2191.5 of the Business and Professions Code, relating to applications to the Board of Osteopathic Examiners of the State of California for physicians' and surgeons' certificates, declaring the urgency thereof, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-fifth day of January, 1949, at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Assembly Joint Resolution No. 5

Has had the same under consideration, and reports the same back with the recommendation: Be adopted, and be re-referred to Committee on Agriculture.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported resolution re-referred to Committee on Agriculture.

SENATE CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Senate Joint Resolution No. 7

Senate Joint Resolution No. 13

Senate Resolution No. 43

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Joint Resolution No. 14

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; noes 1.

POWERS, Chairman

Above reported resolution ordered to third reading.

MOTION TO APPROVE JOURNALS

Senator Powers moved that the Journals for Monday, January 17, 1949; Tuesday, January 18, 1949; Wednesday, January 19, 1949; Thursday, January 20, 1949; Friday, January 21, 1949, be approved as corrected by the Minute Clerk and the Journal Clerk.

Motion carried.

LETTER OF TRANSMITTAL

SENATE CHAMBER, SACRAMENTO, January 25, 1949

*Hon. Goodwin J. Knight, President of the Senate
Senate Chamber, State Capitol
Sacramento, California*

MR. PRESIDENT: Your Committee on State Training Schools for Boys and for Girls created by Senate Resolution No. 22 in the Session of 1944 and continued by Senate Resolution No. 23 of the 1948 Session of the Legislature, and the following members were appointed to serve and are now serving on said committee to wit:

H. R. JUDAH, Chairman	23d District
LOUIS G. SUTTON	8th District
H. E. DILLINGER	9th District
CHRIS N. JESPERSEN	29th District
JESS R. DORSEY	34th District

There is herewith submitted a report of the investigations and study of the committee to this date.

Respectfully submitted,

JUDAH, Chairman

Letter of Transmittal ordered printed in the Journal and report ordered printed in appendix to the Journal.

Request for Unanimous Consent

Senator Judah asked for, and was granted, unanimous consent to have 500 copies of the report on State Training Schools for Boys and for Girls printed for distribution.

LETTER OF TRANSMITTAL

SENATE CHAMBER, SACRAMENTO, January 24, 1949

*To the President of the Senate**The Speaker of the Assembly**and to the Members of the Senate and Assembly*

The Joint Legislative Committee on Agricultural and Livestock Problems created by Senate Concurrent Resolution No. 54, Statutes of 1947, page 3750, and by Senate Concurrent Resolution No. 8, Statutes of 1948, Chapter 62, submits the following partial report.

Senate Concurrent Resolution No. 8, Statutes of 1948, Chapter 62, gave our committee additional funds for the purpose in part, of conducting a survey of existing and needed facilities for rural housing, particularly for farm workers. This resolution was filed with the Secretary of State on March 27, 1948.

Shortly thereafter, and prior to the eighth of April, 1948, the chairman of the committee discussed with Mr. James H. Corley, Comptroller of the University of California, the matter of employing the University of California to make such a study. Under date of April 8, 1948, the chairman addressed the following letter to Mr. Corley:

"Mr. James H. Corley, Comptroller

University of California, 250 Administration Building
Berkeley, California

DEAR MR. CORLEY: In our conversation the other day we discussed the need for a comprehensive survey of the adequacy of farm labor housing in the State of California. The Legislature at its recent session directed the Interim Committee on Agriculture and Livestock Problems, of which I am chairman, to make such a survey, and following the desire of California agriculture, I asked you to ascertain the possibility of the University of California devoting its research facilities to make a study of this important subject.

The problem may be stated briefly as follows:

During the period 1930 to 1935, thousands of persons emigrated to California from the midwest and southern portions of the Country. Most of these people were farmers or farm laborers, and California was unable to assimilate them quickly into our economy. In the Central Valley, particularly, the social problems were acute. To alleviate distress the Federal Government constructed and operated throughout the State some twenty-eight migratory camps housing some twenty thousand persons. California's agriculture and industry at that time could not provide sufficient work to adequately sustain the thousands of workers within our boundaries.

With the advent of the European war came many changes directly affecting the situation.

California increased materially its plantings of vegetables, sugar beets, grapes, cotton and other crops, all of which have heavy labor requirements.

War industries developed over night. The result was that by 1942 there existed a severe shortage of farm labor and the importation of labor became necessary.

However, since the close of the war again large numbers of workers from the southern states have come to California, and it is apparent that agriculture may not be able to provide sufficient work to maintain these workers.

Throughout these years the leading farm organizations urged farmers to provide adequate housing for their workers either upon farms or in community operated camps. During the last five years thousands of units of family housing have been built and hundreds of small camps established.

Twenty-eight federal camps referred to above have become truly farm labor supply centers. The Congress in 1947 determined to liquidate this camp program by June 30, 1949. In September of 1947, because of inadequate funds, the Federal Government ceased operations, but the camps remained open and their operation is being continued by nonprofit associations of farmers under a lease arrangement with the Government and pending sale of the camps. These associations are now attempting to negotiate a purchase. There are those who object to farmer operation and seek their purchase by the State of California.

What is the situation today and why is a comprehensive survey so vital? There are two phases to the problem. It would appear that California agriculture as a whole has sufficient housing to care for its needed year-round workers. It would also appear that there is not sufficient housing in all parts of the State to house all the seasonal workers required at harvest time.

There is evidence to indicate that some sections of the State now provide all the housing that is required for all the seasonal workers needed. Therefore, before agriculture as an industry continues to promote intelligently the building of farm labor housing, a county by county survey is required to determine where shortages exist and what type. We would hope

that the Extension Service under Professor Crocheron might undertake this task which is a field one and for which his department is admirably equipped.

The second phase indicates pure research. The low employment period in California agriculture occurs during March. This year it is estimated that there were 50,000 unemployed in the San Joaquin Valley compared to 20,000 for the same period last year.

The major winter harvest is that of oranges in Southern California. Today there are thousands of unemployed agricultural workers in Los Angeles County and yet the citrus districts find it necessary to import Navajo Indians and Mexican Nationals.

It would appear that the number of unemployed may increase materially due primarily to continued emigration from other states. The housing of these people presents a major problem. How much of the responsibility should be assigned to agriculture as an industry? How much can the farmer afford to spend for housing?

Thousands of workers are employed for periods of ninety to one hundred and twenty days in such crops as cotton. Thousands are employed for a period of only thirty days in the fruit crops.

Under such circumstances what can the various types of farming be expected to spend when considering the economics of the operation? Should local communities bear the financial burden of migratory camps which house workers who in great part are not residents of either the community or State? Is the responsibility one which belongs to the State or Federal Government?

Are existing camps being operated in a satisfactory manner? Are they sanitary? Are existing health laws being enforced?

These are some of the questions which we in agriculture feel must be answered. We believe that California has made tremendous strides in caring for its needed farm workers. We believe the so-called sore spots are few in number. We also believe that only a complete impartial study will permit the industry and government to intelligently act upon the problems which are arising from the increase in population and the type of extensive agriculture now existing in California.

Your consideration of this matter will be sincerely appreciated.

Sincerely yours,

GEORGE J. HATFIELD"

Hereafter, and under date of June 15, 1948, this communication was answered by Robert Gordon Sproul, President of the University of California, as follows, to wit:

THE UNIVERSITY OF CALIFORNIA

ROBERT GORDON SPROUL

President of the University

June 15, 1948

"Senator George J. Hatfield

P. O. Box C, Newman, California

DEAR SENATOR HATFIELD: Some weeks ago Comptroller Corley talked to me about the responsibility of your interim committee in connection with farm labor and housing conditions, and asked if help could be furnished to you by the university. I appointed a committee immediately, consisting of Prof. M. R. Benedict, Giannini Foundation of Agricultural Economics, Chairman; Director Crocheron, Agricultural Extension Service, Director, and Prof. S. C. May, Director of the Bureau of Public Administration. This committee has just presented to me the following conclusions:

1. A broad study such as that suggested in Senator Hatfield's letter could not be completed prior to the next session of the Legislature. An adequate study would require competent research leadership, a number of assistants, and a sizeable budget for salaries and expense. We have canvassed the situation, and are not able to suggest personnel appropriate for so large an undertaking that is free to undertake it at this time. Even if such personnel were immediately available we do not think the project could be completed in six months.

2. We suggest instead a more limited approach to the immediate problem facing Senator Hatfield and his committee. This we understand to be that of formulating policy regarding disposition of the federal farm labor camps. Since this is in the main a policy problem we suggest formation of a working committee under the auspices of Senator Hatfield's Interim Committee, this working committee to be composed of legislators, farmers, labor representatives, and representatives of certain civic bodies, and charged with responsibility for reconciling conflicting viewpoints or at least of bringing into clear focus alternative recommendations.

3. The University should make available to the working committee such data as it may have previously accumulated through its various

departments. It should also give such counsel as may be requested. We do not think there would be time, personnel, or funds for field surveys. We are of the opinion, however, that various agencies have available a fair amount of information bearing on the problem. This could be mobilized by such a working committee.

4. If Senator Hatfield's committee or the Legislature should feel that a much broader study, such as that proposed, is needed we suggest that plans be made well in advance with provision for adequate and suitable personnel and funds. If that should be contemplated it still would be very useful to have the whole problem explored by such a committee as the one suggested above. That would bring out clearly the kinds of information needed and the lines such a study should take.

If you would like to talk with Professor Benedict about these conclusions, and ways and means of implementing them, I am sure that a conference can be arranged for an early and mutually convenient date. In this or other ways, we are most anxious to be helpful to you.

With kindest personal regards,

Yours sincerely,

ROBERT G. SPROUL

Thereafter, your committee authorized the employment of R. J. Welch, 1217B University Avenue, Berkeley, California, to make the survey.

Your committee submits herewith his report for the information of the Legislature.

GEO. J. HATFIELD, Chairman

BRADFORD S. CRITTENDEN

HAROLD J. POWERS

BEN HULSE

EARL D. DESMOND

FRED WEYBRET

LLOYD W. LOWREY

S. L. HISINGER

VERNE W. HOFFMAN

T. M. ERWIN

GEO. BUTTERS

GEO. A. CLARKE

Letter of Transmittal ordered printed in the Journal and report ordered printed in appendix to the Journal.

Request for Unanimous Consent

Senator Hatfield asked for, and was granted, unanimous consent to have 2,000 copies of the report of the Joint Legislative Committee on Agricultural and Livestock Problems printed for distribution.

RESOLUTIONS

The following resolutions were offered:

By Senator Coombs:

Senate Resolution No. 44

Relating to survey of a highway route between the junctions of State Routes 8 and 208 at Sears Point in Sonoma County and U. S. Route 40 at Cordelia Wye in Napa County

Resolved by the Senate of the State of California:

1. The California Highway Commission is requested to authorize a preliminary survey of a highway route on the most direct and practical location between the junctions of State Routes 8 and 208 at Sears Point in Sonoma County and U. S. Route 40 at Cordelia Wye in Solano County.

2. The California Highway Commission is requested to allocate and make available from the State Highway Fund such sum as may be necessary for the purposes of such survey.

3. The Department of Public Works and said commission are requested to carry out such survey as soon as possible and to report thereon to this house on the convening of the 1950 Regular Session of the Legislature, including in such report its findings and recommendations as to the advisability of including any such route in the State Highway System and of excluding from the State Highway System any route or portion thereof which might be superseded by such proposed route.

4. The Secretary of the Senate is directed to send suitable copies of this resolution to the Secretary of the California Highway Commission and to the Director of Public Works.

Resolution read, and unanimously adopted.

By Senator Powers:

Senate Resolution No. 45

Relative to the Contingent Funds of the Senate

Resolved, by the Senate of the State of California, As follows:

1. There is hereby made available to the Committee on Rules of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it has or may incur in carrying out the duties imposed upon it by the Standing Rules of the Senate or in any other manner, the balance of all money appropriated for contingent expenses of the Senate, except such money as may be allocated by resolution of the Senate to another committee or for other purposes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—36.

NOES—None.

By Senator Powers:

Senate Resolution No. 46

Relating to Contingent Funds of the Senate allocated to interim committees

Resolved by the Senate of the State of California, That, unless otherwise expressly provided, whenever an investigating committee is continued or recreated, the funds allocated to the new committee shall be available for all claims and expenses incurred by or on behalf of the predecessor committee. The unexpended balance of the funds allocated to the predecessor committee shall be treated as unobligated money in the Senate Contingent Fund.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—36.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Assembly Joint Resolution No. 10

Assembly Joint Resolution No. 13

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported resolutions ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 10, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 10

Assembly Joint Resolution No. 10—Relative to memorializing the Congress of the United States in relation to the waters of the Colorado River.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered :

By Senator Donnelly :

Senate Resolution No. 47

Congratulating Lowell E. Jessen, President of the California Newspaper Publishers Association

WHEREAS, Lowell E. Jessen, Editor and publisher of the *Turlock Daily Journal*, who for five years has been a member of the advisory council for the California Newspaper Publishers Association, on its executive committee for three years, and first vice president since May of 1948, was elected president of the California Newspaper Publishers Association on January 22, 1949, at its sixty-first annual convention in Fresno ; now, therefore, be it

Resolved by the Senate of the State of California, That the Members of this Senate heartily congratulate Lowell E. Jessen of the *Turlock Daily Journal* upon his election as President of the California Newspaper Publishers Association, and extend to him good wishes for a successful term in office.

Resolution read, and on the motion of Senator Donnelly, adopted.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 595—An act to validate certain acts, proceedings, contracts, and expenditures in relation to the improvement of county-owned property for fair purposes, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 59—An act to add Section 11e to the Municipal Court Act of 1925, relative to municipal courts and attaches thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendment :

Amendment No. 1

On page 1, lines 11 and 12, of the printed bill as amended, strike out "fifth class cities or cities and counties" and insert "cities and cities and counties of the fifth class".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 60—An act to amend Section 1 of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, creating a new class of cities to be known as cities of the four and seven-eighths class, and to provide for their organization, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, after "amended," insert "and to amend Section 34112 of, and to add Section 34112.5 to, the Government Code,".

Amendment No. 2

On page 2, line 15, of said bill, after "Sec. 3." insert "Section 34112 of the Government Code is amended to read:

34112. Cities having a population of *more than one thousand five hundred and not exceeding eight thousand* are cities of the sixth class.

SEC. 4. Section 34112.5 is added to the Government Code, to read:

34112.5. Cities having a population of not exceeding one thousand five hundred are cities of the four and seven-eighths class. Four and seven-eighths class cities may organize as sixth class cities pursuant to this title and when they do, shall have all the powers and duties of a sixth class city.

SEC. 5. Sections 3 and 4 of this act become operative only if Title 4 of the Government Code is enacted by the Legislature at its 1949 Regular Session, and in such case at the same time as said Title 4 takes effect; at which time Section 1 of the act cited in the title hereof and Section 2 of this act are repealed.

SEC. 6."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 425—An act to amend Section 781 of the Vehicle Code, relating to disposition and transfer of moneys from the Motor Vehicle Fund, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 295—An act to add a new division to the Vehicle Code, to be numbered 9b, relating to the regulation, control and policing of vehicles and vehicular traffic on privately owned toll bridges and the approaches thereto, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

(On page 2, following line 52, insert

"The cost of preparation and publication of such rules and regulations and of the erection of signs pursuant to Section 610.4, shall be borne by the owner of any such privately owned toll bridge."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Joint Resolution No. 8—Relative to providing a veterans' hospital at San Diego.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

In line 22 of the printed bill, strike out the word "Director" and insert "Administrator".

Amendment read and adopted.

Resolution ordered printed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 271—An act to amend Section 2 of an act entitled "An act to provide for the relocation of a portion of State Highway Route 5 in Santa Clara County, making an appropriation therefor, and declaring the urgency hereof, to take effect immediately," approved July 17, 1947, relating to relocation of a portion of State Highway Route 5, declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Salsman.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—36.

NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—35.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT: This is to advise you that the Committee on Rules has appointed Senator Desmond to serve as a member of the Joint Interim Committee on Water Problems, to take the place of Senator Carter.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT: The Committee on Rules to which was referred the message from the Governor, dated January 24, 1949, appointing

KENNETH R. WALKER, to the State Board of Forestry (representing pine producing industry), vice self, for the term prescribed by law, ending January 15, 1953;

J. J. PRENDERGAST, a resident of Redlands; to the State Board of Forestry (representing beneficial use of water), vice self, for the term prescribed by law, ending January 15, 1953;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR**Motion to Confirm Appointments by the Governor**

Senator Powers moved that the Senate confirm and consent to the appointment of Kenneth R. Walker and J. J. Prendergast as members of the State Board of Forestry.

The President put the question, "Will the Senate confirm and consent to the appointment of Kenneth R. Walker and J. J. Prendergast?"

The roll was called, with the following result:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Watson, Weybret, and Williams—34.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointments of Kenneth R. Walker and J. J. Prendergast as members of the State Forestry Board.

**WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY JOINT
RESOLUTION NO. 2**

Senator Keating moved that Assembly Joint Resolution No. 2 be withdrawn from Committee on Water Resources and referred to Committee on Rules.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, JANUARY 25, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Assembly Joint Resolution No. 2

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 5; committee vote: Ayes 4; absent 1.

POWERS, Chairman

Request for Unanimous Consent

Senator Keating asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 2, at this time, for consideration of committee amendments.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Joint Resolution No. 2—Relative to memorializing the President and the Congress of the United States in relation to two irrigation canals to supply water from the Sacramento River to areas in Northern California.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 1, lines 22 and 23, of the printed measure, strike out "somewhat belatedly".

Amendment read and adopted.

Resolution ordered printed, and to third reading.

Chief Assistant Secretary Cleve V. Taylor at the Desk

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 30: By Senator Abshire—Relative to renaming the highway between Santa Rosa and Ignacio "Valley of the Moon Scenic Route."

Request for Unanimous Consent

Senator Abshire asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 30, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 30

Senate Concurrent Resolution No. 30—Relative to renaming the highway between Santa Rosa and Ignacio "Valley of the Moon Scenic Route."

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Watson, and Williams—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senator Hugh M. Burns Presiding

At 11.50 a.m., Senator Hugh M. Burns of the Thirtieth District, presiding.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 689: By Senators Abshire, Breed, Coombs, Hugh M. Burns, Salsman, Hatfield, Crittenden, Hulse, Collier, Tenney, Desmond, Weybret, Busch, Keating, and Williams—An act making an appropriation to the University of California for the construction and equipment of a viticultural building.

Referred to Committee on Education.

Senate Bill No. 690: By Senators Abshire, Coombs, Keating, Breed, Judah, Watson, Busch, Desmond, Crittenden, Tenney, and Williams—An act making an appropriation to the Department of Agriculture for the purpose of establishing and equipping a livestock and poultry diagnostic and testing laboratory at Petaluma.

Referred to Committee on Agriculture.

Senate Bill No. 691: By Senators Abshire, Regan, Coombs, and Michael J. Burns—An act to add Section 5012.2 to the Public Resources Code, relating to public utility structures and easements across State park lands.

Referred to Committee on Natural Resources.

Senate Bill No. 692: By Senators Abshire and Desmond—An act to amend Sections 4741 and 4762 of, and to repeal Sections 4797 and 4798 of the Health and Safety Code, relating to county sanitation districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 693: By Senator Abshire—An act to amend Section 27 of the Storm Water District Act of 1909, relating to storm water districts.

Referred to Committee on Water Resources.

Senate Bill No. 694: By Senator Michael J. Burns—An act to add Section 20355 of the Education Code, relating to student housing facilities at state colleges.

Referred to Committee on Education.

Senate Bill No. 695: By Senator Sutton—An act to add Section 420.1 to the Fish and Game Code, relating to requirement of licenses.

Referred to Committee on Fish and Game.

Senate Bill No. 696: By Senator Coombs—An act to provide for the construction of a highway between the north end of the Golden Gate Bridge and a point at or near Waldo, in Marin County, and making an appropriation.

Referred to Committee on Transportation.

Senate Bill No. 697: By Senator Coombs—An act to add Chapter 2.5 and Section 4250 to Division 5, Part 2 of the Health and Safety Code, relating to contracts for the collection and disposal of garbage and other refuse matter.

Referred to Committee on Public Health and Safety.

Senate Bill No. 698: By Senator Powers—An act to amend Sections 1562 and 1571 of the Military and Veterans Code, relating to disasters.

Referred to Committee on Local Government.

Senate Bill No. 699: By Senator Collier—An act to add Section 16.4 to the Fish and Game Code, relating to the taking of female deer.

Referred to Committee on Fish and Game.

Senate Bill No. 700: By Senator Dillinger—An act to amend Section 207 of the Unemployment Insurance Act, relating to unemployment compensation disability benefits.

Referred to Committee on Social Welfare.

Senate Bill No. 701: By Senator Salsman—An act to add Section 9.5 to the Property Acquisition Act, relating to sites for student housing on the campuses of state colleges.

Referred to Committee on Education.

Senate Bill No. 702: By Senator Salsman—An act to add Sections 12026, 12027, 12028, and 12029 to the Education Code, relating to the Accreditation Committee of the State Board of Education and making an appropriation therefor.

Referred to Committee on Education.

Senate Bill No. 703: By Senator Dillinger—An act to amend Section 28142 of the Government Code, relating to county officers' salaries.

Referred to Committee on Local Government.

Senate Bill No. 704: By Senator Hatfield—An act to add Part 6.5 to Division 11, and Article 2.5 to Chapter 3, Part 8, Division 11, of the Water Code, and to add Section 25803.5 to said code, relating to distribution districts.

Referred to Committee on Water Resources.

Senate Bill No. 705: By Senator Drobish—An act relating to farm labor housing, creating a Farm Labor Housing Commission, providing for the acquisition of housing facilities for farm labor, creating a Farm Labor Housing Fund in the State Treasury, and making an appropriation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 706: By Senator Swing—An act to amend Section 737jj of the Political Code, relating to the salary of judges of the superior court.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 707: By Senator Keating—An act to add Article 8, comprising Sections 18745 to 18749, inclusive, to Chapter 5 of Division 9 of the Education Code, relating to the use of public property for school purposes.

Referred to Committee on Education.

Senate Bill No. 708: By Senator Rich—An act to amend Sections 51 and 54 of the Fish and Game Code, relating to game management.

Referred to Committee on Fish and Game.

Senate Bill No. 709: By Senator Rich—An act to add Section 834 to the Corporations Code, relating to derivative actions by shareholders.

Referred to committee on Judiciary.

Senate Bill No. 710: By Senator Salsman—An act to amend Section 10291.5 of the Insurance Code, relating to disability insurance, to

prevent fraud and mistake, and unfair and reprehensible trade practices, and economically unsound insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 711: By Senator Salsman—An act to amend Section 10310 of the Insurance Code, relating to disability insurance policies.

Referred to Committee on Financial Institutions.

Senate Bill No. 712: By Senator Salsman—An act to amend Section 10314 of the Insurance Code, relating to disability insurance policies.

Referred to Committee on Financial Institutions.

Senate Bill No. 713: By Senator Salsman—An act to repeal Article 5.5 of Chapter 4, Part 2, Division 2 of the Insurance Code, consisting of Sections 10370 to 10376, inclusive, and to add a new Article 5.5 to Chapter 4, Part 2, Division 2 of said code, comprising Sections 10370, 10370.3, 10370.6, 10370.9, 10371, 10371.1, 10371.3, 10371.6, 10371.9, 10372, 10372.3, 10372.6, 10372.9, 10373, 10373.3, 10373.6, 10373.9, 10374, 10374.3, 10374.6, 10374.9, and 10375, relating to minimum benefits, minimum standards, minimum indemnities and minimum coverages in disability insurance policies.

Referred to Committee on Financial Institutions.

Senate Bill No. 714: By Senator Dilworth—An act to amend Sections 5, 6, and 10 of the Palo Verde Irrigation District Act, relating to qualification of trustees and voters, powers and duties of trustees and electors.

Referred to Committee on Water Resources.

Senate Bill No. 715: By Senator Weybret—An act to add Section 1020 to the Fish and Game Code, relating to weighmasters for commercial fish processing, and providing for expenses thereof.

Referred to Committee on Fish and Game.

Senate Bill No. 716: By Senator Weybret—An act to add Sections 139.40, 139.41, and 139.42 to the Vehicle Code, relating to power cycles, including the regulation thereof.

Referred to Committee on Transportation.

Senate Bill No. 717: By Senator Hatfield—An act to amend Section 2205 of the Health and Safety Code, relating to the organization and powers of mosquito abatement districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 718: By Senator Collier—An act to amend Sections 70 and 70.1 of the Streets and Highways Code, relating to the California Highway Commission.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 719: By Senators Collier, Mayo, and Regan—An act to amend Section 6401 of the Public Resources Code, relating to the reservation of oil, gas, and mineral rights in state lands.

Referred to Committee on Natural Resources.

Senate Bill No. 720: By Senator Dilworth—An act making an appropriation to the State Department of Public Health for tuberculosis subsidies under Division 4 of the Health and Safety Code.

Referred to Committee on Public Health and Safety.

Senate Bill No. 721: By Senator Dilworth—An act to amend Section 4966 of the Education Code, relating to the unification and reorganization of school districts.

Referred to Committee on Education.

Senate Bill No. 722: By Senator Tenney—An act making an appropriation to the Division of Highways in the Department of Public Works for a survey of the Los Angeles River channel.

Referred to Committee on Water Resources.

Senate Bill No. 723: By Senator Tenney—An act making an appropriation to pay the claim of Daniel D. Frohman against the State of California.

Referred to Committee on Finance.

Senate Bill No. 724: By Senator Tenney—An act to add Sections 15a and 68a to the County Water District Act, and Sections 31416 and 32858 to the Water Code, relating to dissolution of county water districts.

Referred to Committee on Water Resources.

Senate Bill No. 725: By Senator Tenney—An act to amend Sections 66 and 69 of the County Water District Act, and Sections 32851 and 32893 of the Water Code, relating to dissolution of county water districts.

Referred to Committee on Water Resources.

Senate Bill No. 726: By Senator Breed—An act to amend Sections 10150.5, 10158, 10176, 10177, 10177.5, 10211, and 10213.5 of, and to add Sections 10161.5, 10150.6, and 10177.6 to the Business and Professions Code, relating to real estate regulations, including licenses and disciplinary action.

Referred to Committee on Business and Professions.

MOTION TO PRINT SENATE BILL NO. 726 WITH RUSH ORDER

Senator Breed moved that Senate Bill No. 726 be sent to print with a rush order and that 800 additional copies be printed for distribution.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 31: By Senator Weybret—Relative to the restoration of the San Antonio Mission.

Request for Unanimous Consent

Senator Weybret asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 31, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 31

Senate Concurrent Resolution No. 31—Relative to the restoration of the San Antonio Mission.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, C. H. Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Keating, Kraft, McBride, Miller, Parkman, Powers, Salsman, Swing, Tenney, Watson, and Weybret—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 727: By Senator Breed—An act to amend Sections 10275.5, 10301, 10302, 10331, and 10333.5 of, to add Sections 10275.6, 10284.5, 10302.5, and 10302.6 to and to renumber and amend Section 104281 of the Business and Professions Code, relating to business opportunity regulations.

Referred to Committee on Business and Professions.

Senate Bill No. 728: By Senator Breed—An act to amend Sections 10376, 10382, 10401, 10402, and 10432.5 of, and to add Sections 10375.5, 10385.5, 10402.5, 10402.6, and 10433 to the Business and Professions Code, relating to cemetery brokerage regulations.

Referred to Committee on Business and Professions.

Senate Bill No. 729: By Senator Breed—An act to amend Sections 10521, 10561, 10562, 10591, and 10593.5 of, and to add Sections 10515.5, 10524.5, 10562.5, and 10562.6 to the Business and Professions Code, relating to mineral, oil and gas brokerage.

Referred to Committee on Business and Professions.

Senate Bill No. 730: By Senator Breed—An act to add Section 11021 to the Business and Professions Code, relating to subdivided lands.

Referred to Committee on Business and Professions.

Senate Bill No. 731: By Senator Dorsey—An act to add Section 459.6 to the Vehicle Code, relating to local regulation of traffic meeting or passing school busses.

Referred to Committee on Transportation.

Senate Bill No. 732: By Senator Hatfield—An act to repeal Sections 498, 499, 500, 501, 502, 503, 504, and 505 of the Fish and Game Code, relating to farm ponds.

Referred to Committee on Fish and Game.

Senate Bill No. 733: By Senator Hatfield—An act to add Sections 202, 203, 204, and 205 to the Fish and Game Code, relating to establishment of waterfowl refuges.

Referred to Committee on Fish and Game.

Senate Bill No. 734: By Senators Hatfield and Hulse—An act to add Section 10.7 to the County Highway Aid Act of 1945, relating to the expenditure of moneys for highways.

Referred to Committee on Transportation.

Senate Bill No. 735: By Senator Sutton—An act to amend Section 795.1 of the Agricultural Code, relating to oranges.

Referred to Committee on Agriculture.

Senate Bill No. 736: By Senator Williams—An act to amend Sections 1195, 1196, and 1197 of the Military and Veterans Code, relating to officers of memorial districts and their election.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 737: By Senator Busch—An act making an appropriation to pay the claim of the County of Mendocino against the State of California.

Referred to Committee on Finance.

Senate Bill No. 738: By Senator Crittenden—An act to amend Section 204a of the Code of Civil Procedure, relating to jury commissioners.

Referred to Committee on Local Government.

Senate Bill No. 739: By Senators Dillinger and Brown—An act to add Part 13 comprising Sections 25751 to 26353, inclusive, to Division 2 of the Revenue and Taxation Code, relating to the levy of a state tax with respect to the sale and use or consumption of cigarettes and providing for the allocation and appropriation of the revenue derived therefrom to the separate cities and counties.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 740: By Senator Dorsey—An act to repeal an act entitled "An act relating to institutions under the jurisdiction of the Department of Corrections, making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of a new site for the California Institution for Women, authorizing the Director of Corrections to transfer the California Institution for Women from its present location near Tehachapi to the new site, and authorizing the disposition of the Tehachapi property," approved July 2, 1947, relating to institutions.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 741: By Senator Brown—An act to amend Section 3 of an act entitled "An act to release the Regents of the University of California from all obligations assumed by said the Regents of the University of California pursuant to the provisions of Sections 1, 2, and 3 of an act entitled, 'An act appropriating five hundred twenty-five thousand dollars (\$525,000) to be used and expended by the Regents

of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said the regents shall deliver to the Chairman of the Department of Finance an obligation binding said the regents (a) to set aside for sale certain real property in Los Angeles owned by said the regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale; provided, that said the regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said the regents with approval of the Department of Finance shall fix; (d) to pay over to the State Treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State Treasury by said the regents, the Chairman of the Department of Finance shall deliver to said the regents a written acknowledgment that all requirements of said the regents' obligation have been performed and further providing that said the regents shall thereupon be discharged of every duty and requirement in the premises, declaring the urgency thereof and providing that this act shall take effect immediately," approved May 31, 1929, assenting to the conveyance to the State of California by the Regents of the University of California of certain real property in the City of Los Angeles, providing for the transfer to the State of California of leases and contracts of sale affecting said real property, and providing for the sale of such property by the State," approved April 21, 1943, relating to interests in real property owned by the Regents of the University of California.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 742: By Senator Brown—An act to add Section 458.1 to the Fish and Game Code, relating to transportation of fish and game.

Referred to Committee on Fish and Game.

Senate Bill No. 743: By Senators Miller and O'Gara—An act to add Chapter 6 to Division 7 of the Elections Code, comprising Sections 5400 to 5407, inclusive, relating to the publication of a voters' handbook to be mailed to each registered voter prior to the direct primary and prior to the general election.

Referred to Committee on Elections.

Senate Bill No. 744: By Senator Miller—An act to amend Sections 6517 and 6518.5 of, and to add Sections 6513.5, 6514.5, 6514.6, 6518.6, 6518.7, 6523.2, 6523.3, 6523.4 to, the Health and Safety Code, relating to sanitary districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 745: By Senator Miller—An act to amend Sections 8921, 8938, 8939, 8950, 8981, 9005, and 9055 of the Health and Safety Code, relating to cemetery districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 746: By Senator Miller—An act to add Sections 32134, 32135, and 32136 to the Health and Safety Code, relating to hospital districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 747: By Senator Miller—An act to amend Sections 4125, 4946, and 4951 of, and to add Sections 4948 and 4949 to, the Education Code, relating to the governing boards of school districts.

Referred to Committee on Education.

Senate Bill No. 748: By Senator Miller—An act to amend Section 5007 of the Education Code, relating to the investment of school district funds.

Referred to Committee on Education.

Senate Bill No. 749: By Senator Miller—An act to amend Sections 6381, 6382, and 6383 of the Education Code, relating to the certification of assessed valuation of property situated in school districts.

Referred to Committee on Education.

Senate Bill No. 750: By Senators Cunningham and Regan—An act to add Title 4 and Sections 500041 to 500045, inclusive, to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government, and to repeal acts and parts of acts specified therein.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 751: By Senators Cunningham and Regan—An act to amend Sections 717 and 718 of the Civil Code, relating to the leasing and granting of lands, and consolidating and revising the law relating to cities.

Referred to Committee on Judiciary.

Senate Bill No. 752: By Senators Cunningham and Regan—An act to add Section 233 to the Code of Civil Procedure, relating to jurors in justices' courts.

Referred to Committee on Judiciary.

Senate Bill No. 753: By Senators Cunningham and Regan—An act to amend Section 29741 of the Government Code, relating to the audit and allowance of claims against counties.

Referred to Committee on Local Government.

Senate Bill No. 754: By Senators Cunningham and Regan—An act to amend Sections 9704 and 9705 of the Elections Code, relating to the general municipal election in cities of the fifth and sixth classes.

Referred to Committee on Elections.

Senate Bill No. 755: By Senators Cunningham and Regan—An act to amend Section 35104 of the Government Code, relating to the organization, government, and powers of cities.

Referred to Committee on Local Government.

Senate Bill No. 756: By Senators Cunningham and Regan—An act to amend Section 45304 of the Government Code, relating to the organization, government, and powers of cities.

Referred to Committee on Local Government.

Senate Bill No. 757: By Senators Cunningham and Regan—An act to amend Section 34302 of the Government Code, relating to the organization, government, and powers of cities.

Referred to Committee on Local Government.

Senate Bill No. 758: By Senators Cunningham and Regan—An act to amend Section 36813 of the Government Code, relating to the organization, government, and powers of cities.

Referred to Committee on Local Government.

Senate Bill No. 759: By Senators Cunningham and Regan—An act to amend Section 36956 of the Government Code, relating to the organization, government, and powers of cities.

Referred to Committee on Local Government.

Senate Bill No. 760: By Senators Cunningham and Regan—An act to amend Section 37380 of the Government Code, relating to the organization, government, and powers of cities.

Referred to Committee on Local Government.

Senate Bill No. 761: By Senators Cunningham and Regan—An act to amend Section 40812 of the Government Code, relating to the organization, government, and powers of cities.

Referred to Committee on Local Government.

Senate Bill No. 762: By Senators Cunningham and Regan—An act to amend Section 43000 of the Government Code, relating to the organization, government, and powers of cities.

Referred to Committee on Local Government.

Senate Bill No. 763: By Senators Cunningham and Regan—An act to amend Section 43002 of the Government Code, relating to the organization, government, and powers of cities.

Referred to Committee on Local Government.

Senate Bill No. 764: By Senators Cunningham and Regan—An act to amend Section 45004 of the Government Code, relating to the organization, government, and powers of cities.

Referred to Committee on Local Government.

Senate Bill No. 765: By Senators Cunningham and Regan—An act to add Title 5 and Sections 500046 and 500047 to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government, and to repeal acts and parts of acts specified therein.

Referred to Committee on Local Government.

Senate Bill No. 766: By Senators Cunningham and Regan—An act to add Section 1226 to the Government Code, and to repeal an act

entitled "An act providing for the issuance of duplicate certificates, where certificates issued under authority of law have been lost or destroyed by conflagration or other public calamity," approved June 16, 1906, (Chapter 53 of the Statutes of the Extra Session of 1906), relating to the issuance of duplicate certificates, and to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government.

Referred to Committee on Judiciary.

Senate Bill No. 767: By Senators Cunningham and Regan—An act to add Article 6.5, comprising Sections 1170 to 1176, inclusive, to Chapter 1, Division 4 of Title 1 of the Government Code, and to repeal an act entitled "An act to authorize public agencies to withhold amounts from salaries and wages, paid by public agencies and to comply with provisions of internal revenue laws of the United States, declaring the urgency of this act, to take effect immediately," approved February 10, 1943, (Chapter 48 of the Statutes of 1943), relating to withholding taxes from wages, and to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 768: By Senators Cunningham and Regan—An act to add Chapter 5, comprising Sections 6500 to 6547, inclusive, to Division 7 of Title 1 of the Government Code, and to repeal an act entitled "An act providing for the joint exercise of powers by counties, by municipalities, or by municipalities and counties," approved May 20, 1921, (Chapter 363 of the Statutes of 1921), and an act entitled "An act authorizing certain indebtedness to be incurred in connection with joint exercise of powers by public agencies," approved July 2, 1947, (Chapter 1044 of the Statutes of 1947), relating to the joint exercise of powers by cities and counties and the incurring of indebtedness therefor, and to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 769: By Senators Cunningham and Regan—An act to amend Section 50080 of the Government Code, relating to the organization, government, and powers of counties, cities, and other agencies.

Referred to Committee on Local Government.

Senate Bill No. 770: By Senators Cunningham and Regan—An act to amend Section 50362 of the Government Code, relating to the organization, government, and powers of counties, cities, and other agencies.

Referred to Committee on Local Government.

Senate Bill No. 771: By Senators Cunningham and Regan—An act to amend Section 50835 of the Government Code, relating to the organization, government, and powers of counties, cities, and other agencies.

Referred to Committee on Local Government.

Senate Bill No. 772: By Senators Cunningham and Regan—An act to amend Section 51703 of the Government Code, relating to the organization, government and powers of counties, cities, and other agencies.

Referred to Committee on Local Government.

Senate Bill No. 773: By Senators Cunningham and Regan—An act to amend Section 53656 of the Government Code, relating to the organization, government, and powers of the counties, cities, and other agencies.

Referred to Committee on Local Government.

Senate Bill No. 774: By Senators Cunningham and Regan—An act to amend Section 54111 of the Government Code, relating to the organization, government, and powers of counties, cities, and other agencies.

Referred to Committee on Local Government.

Senate Bill No. 775: By Senators Cunningham and Regan—An act to amend Section 54353 of the Government Code, relating to the organization, government, and powers of counties, cities, and other agencies.

Referred to Committee on Local Government.

Senate Bill No. 776: By Senators Cunningham and Regan—An act to amend Section 54901 of the Government Code, relating to the organization, government, and powers of counties, cities, and other agencies.

Referred to Committee on Local Government.

Senate Bill No. 777: By Senator Miller—An act to amend Section 5300 of the Labor Code and to add Section 11664 to the Insurance Code, relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 778: By Senator Miller—An act to amend Section 202 of the Welfare and Institutions Code, relating to the care, maintenance and attendance of the indigent sick and dependent poor.

Referred to Committee on Social Welfare.

Senate Bill No. 779: By Senator Williams—An act to repeal Section 8951 of the Health and Safety Code, relating to public cemetery districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 780: By Senator Rich—An act to add Section 12425, Government Code, relating to duties of the Controller.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 781: By Senator Rich—An act to amend Section 12276 of the Revenue and Taxation Code, relating to taxation of, and reports to be filed by, insurance companies.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 782: By Senator Rich—An act to amend Section 13924 of the Government Code, relating to the valuation of maintenance furnished to state employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 783: By Senator Judah—An act to add Section 20001.5 to the Government Code, relating to benefits under Federal Social Security as applicable to members of the State Employees' Retirement System and members of the State Teachers' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 784: By Senator Judah—An act to amend Sections 20023, 20024, 20920, 20921, 20922, 21253, 21361, and 21362 of, to repeal Section 21255 of, and to add Sections 20334.1, 20654.6, 20654.7, 20654.8, 20654.9, 20654.95, and 21251.3 to, the Government Code, relating to the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 785: By Senators Regan, Mayo, Brown, Dillinger, and Powers—An act to add Article 5 to Chapter 1, Part 2, Division 2 of the Water Code, relating to preferential rights to the use of water within mountainous areas in which water originates.

Referred to Committee on Water Resources.

Senate Bill No. 786: By Senator Regan—An act to add Article 5 to Chapter 1, Part 2, Division 2 of the Water Code, relating to rights to the use of the waters of the Trinity River.

Referred to Committee on Water Resources.

Senate Bill No. 787: By Senator Watson—An act to add Section 261d to the Code of Civil Procedure, relating to phonographic reporters for the superior courts.

Referred to Committee on Local Government.

Senate Bill No. 788: By Senator Regan—An act to amend Section 4459 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 789: By Senator Regan—An act to amend Sections 10170 and 10375 of the Insurance Code, relating to life and disability policies.

Referred to Committee on Financial Institutions.

Senate Bill No. 790: By Senator Regan—An act to add Section 4461 to the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 791: By Senator Breed—An act to amend Section 8726 of, and to add Sections 8747 and 8748 to the Health and Safety Code, relating to cemeteries.

Referred to Committee on Public Health and Safety.

Senate Bill No. 792: By Senator Powers—An act authorizing suits against the State of California to quiet title against it as to certain real property situated in the County of Modoc, State of California.

Referred to Committee on Local Government.

Senate Bill No. 793: By Senator Powers—An act to amend Section 737ff of the Political Code, relating to salaries of judges of the superior court.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 794: By Senator Gibson—An act relating to the selection of sites for water projects and declaring the policy of the State with respect thereto.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 795: By Senators Hugh M. Burns, Busch, and Jespersen—An act to add Article 6 to Chapter 1, Division 2 of the Business and Professions Code, relating to licenciates of Boards within the Department of Professional and Vocational Standards and including rebate, refunds and unearned discounts.

Referred to Committee on Business and Professions.

Senate Bill No. 796: By Senators Hugh M. Burns, Busch, and Jespersen—An act to add Section 125 to the Business and Professions Code, prohibiting certain practices by persons licensed under said code and providing penalties for violations thereof.

Referred to Committee on Business and Professions.

Senate Bill No. 797: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Sections 2141, 2142, 2319, 2426, and 2435 of the Business and Professions Code, relating to the practice of the healing arts and the regulation and licensing thereof.

Referred to Committee on Business and Professions.

Senate Bill No. 798: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Section 5604 of the Business and Professions Code, relating to the payment of fees by architects.

Referred to Committee on Business and Professions.

Senate Bill No. 799: By Senators Hugh M. Burns, Busch, and Jespersen—An act to add Section 161 to the Business and Professions Code, relating to the sale of copies of the public records of boards within the Department of Professional and Vocational Standards.

Referred to Committee on Business and Professions.

Senate Bill No. 800: By Senators Hugh M. Burns, Busch, and Jespersen—An act to add Section 162 to the Business and Professions Code, and to repeal Section 7080.1 of said code, and to amend Section 7080 of said code, relating to certificates of certain officers of boards within the Department of Professional and Vocational Standards.

Referred to Committee on Business and Professions.

Senate Bill No. 801: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Sections 8706, 8710, 8712, 8714, 8741, 8761,

8762, 8764, and 8784 of the Business and Professions Code, relating to the practice of land surveying.

Referred to Committee on Business and Professions.

Senate Bill No. 802: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Section 7205 of the Business and Professions Code, relating to the members of the State Board of Guide Dogs for the Blind.

Referred to Committee on Business and Professions.

Senate Bill No. 803: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Section 6736 of the Business and Professions Code, relating to the practice of civil engineering.

Referred to Committee on Business and Professions.

Senate Bill No. 804: By Senators Hugh M. Burns, Busch, and Jespersen—An act to add Section 105 to, and to repeal Sections 2103, 2705, 4003, 5517, 6713, 7004, and 7304 of the Business and Professions Code, relating to certificates of appointment and oaths of office of members of boards within the Department of Professional and Vocational Standards.

Referred to Committee on Business and Professions.

Senate Bill No. 805: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Sections 1616, 2116, 2554, 2715, 3027, 4012, 5525, 7011, 7012, 7314, 7512, 8918, and 9532 of, and to repeal Sections 5019, 5034, 6511, 6721, 7608, 8529, 8713, 9008, 18630, and 19032 of, the Business and Professions Code, relating to employees within the Department of Professional and Vocational Standards.

Referred to Committee on Business and Professions.

Senate Bill No. 806: By Senators Hugh M. Burns, Busch, and Jespersen—An act to add Section 22.5 to the Business and Professions Code, relating to qualifications of members of boards within the Department of Professional and Vocational Standards.

Referred to Committee on Business and Professions.

Senate Bill No. 807: By Senators Hugh M. Burns, Busch, and Jespersen—An act to add Section 160 to, and to amend Sections 6716, 7081, 8533, and 8712 of, the Business and Professions Code, relating to the sale of directories, rosters and year books.

Referred to Committee on Business and Professions.

Senate Bill No. 808: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Section 9011 of the Business and Professions Code, relating to the Board of Social Work Examiners.

Referred to Committee on Business and Professions.

Senate Bill No. 809: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Sections 6722, 7017, 8537, 8714, and 8926 of the Business and Professions Code, relating to reports to the Governor by certain officers and boards within the Department of Professional and Vocational Standards.

Referred to Committee on Business and Professions.

Senate Bill No. 810: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Section 152 of the Business and Professions Code, relating to organization of the work of the Department of Professional and Vocational Standards.

Referred to Committee on Business and Professions.

Senate Bill No. 811: By Senators Hugh M. Burns, Busch, and Jespersen—An act to repeal Section 4132.5 of the Business and Professions Code, relating to qualifications for registration as a licentiate in pharmacy.

Referred to Committee on Business and Professions.

Senate Bill No. 812: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Sections 2701 and 2736.5, and to repeal Sections 2727.5, 2735, 2825, and 2826 of the Business and Professions Code, relating to the practice of nursing the sick or afflicted.

Referred to Committee on Business and Professions.

Senate Bill No. 813: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Section 9512 of the Business and Professions Code, relating to establishments regulated by the State Board of Dry Cleaners.

Referred to Committee on Business and Professions.

Senate Bill No. 814: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Sections 7514, 7522, 7526, 7531, 7547, 7551, 7565, and 7582 of, and to add Sections 7529.5, 7529.6, 7540, 7541, 7542, and 7543 to, the Business and Professions Code, relating to private detectives.

Referred to Committee on Business and Professions.

Senate Bill No. 815: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Section 403 of the Business and Professions Code, relating to buildings of the Department of Professional and Vocational Standards.

Referred to Committee on Business and Professions.

Senate Bill No. 816: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Section 2554 of the Business and Professions Code, relating to funds of the Board of Medical Examiners.

Referred to Committee on Business and Professions.

Senate Bill No. 817: By Senators Hugh M. Burns, Busch, and Jespersen—An act to amend Section 2193 of the Business and Professions Code, relating to applicants for a physician's and surgeon's certificate.

Referred to Committee on Business and Professions.

Senate Bill No. 818: By Senators Hugh M. Burns, Busch, and Jespersen—An act to repeal Chapter 7 of Division 3 of and to add Chapter 7 of Division 3, comprising Sections 6700 to 6799, inclusive, to the Business and Professions Code, relating to professional engineers.

Referred to Committee on Business and Professions.

Senate Bill No. 819: By Senators Hugh M. Burns, Busch, and Jespersen—An act to add Section 17500.1 to the Business and Professions Code, relating to regulation of advertising.

Referred to Committee on Business and Professions.

Senate Bill No. 820: By Senator Hugh M. Burns—An act to amend Section 251 of the Unemployment Insurance Act, relating to disability benefits to persons confined in hospitals.

Referred to Committee on Social Welfare.

Senate Bill No. 821: By Senator Hugh M. Burns—An act to add Section 53.7 to the Alcoholic Beverage Control Act, relating to quality standards of wine.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 822: By Senator Hugh M. Burns—An act to amend Section 26366 of the Health and Safety Code, relating to adulterated or misbranded articles of drugs.

Referred to Committee on Public Health and Safety.

Senate Bill No. 823: By Senators Sutton, Crittenden, and Rich—An act to amend Section 31 of the State Water Resources Act of 1945, relating to the construction of a multiple purpose dam in the vicinity of Table Mountain.

Referred to Committee on Water Resources.

Senate Bill No. 824: By Senator Desmond—An act to amend and renumber Section 1703 of, to add Section 1703 to, to amend Sections 1705.2, 1706.85, 1706, and 1706.95 of, and to repeal Section 1703.5 of, the Insurance Code, relating to life agents' licenses.

Referred to Committee on Financial Institutions.

Senate Bill No. 825: By Senator Desmond—An act to add Section 41a to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 826: By Senator Desmond—An act to amend Section 951 of the Streets and Highways Code, relating to side paths.

Referred to Committee on Local Government.

Senate Bill No. 827: By Senator Desmond—An act making an appropriation for payment of overtime work by members of the California Highway Patrol.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 828: By Senator Desmond—An act making an appropriation for the purpose of increasing salaries of state employees, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 829: By Senator Desmond—An act to amend Section 4 of an act entitled "An act establishing a four-year state institution of higher education in the City of Sacramento, County of Sacramento,"

approved by the Governor July 1, 1947, relating to the four-year institution of higher education in Sacramento.

Referred to Committee on Education.

Senate Bill No. 830: By Senator Desmond—An act to amend Section 2 of an act entitled "An act establishing a four-year state institution of higher education in the City of Sacramento, County of Sacramento," approved by the Governor July 1, 1947, relating to the four-year institution of higher education in Sacramento.

Referred to Committee on Education.

Senate Bill No. 831: By Senator Desmond—An act to amend Section 1 of an act entitled "An act establishing a four-year state institution of higher education in the City of Sacramento, County of Sacramento," approved by the Governor July 1, 1947, relating to the four-year institution of higher education in Sacramento.

Referred to Committee on Education.

Senate Bill No. 832: By Senator Dillinger—An act to amend Section 44.2 of the Unemployment Insurance Act, relating to unemployment insurance and refunds of wage-earner contribution.

Referred to Committee on Social Welfare.

Senate Bill No. 833: By Senator Dillinger—An act to amend Section 207 of the Unemployment Insurance Act, relating to unemployment compensation disability benefits.

Referred to Committee on Social Welfare.

Senate Bill No. 834: By Senator O'Gara—An act creating the San Francisco Bay Bridge Commission and specifying its duties.

Referred to Committee on Transportation.

Senate Bill No. 835: By Senator O'Gara—An act to amend Section 67 of the Code of Civil Procedure, relating to the number of superior court judges and providing for the appointment of four additional superior court judges in and for the City and County of San Francisco, and providing for their compensation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 836: By Senator O'Gara—An act to amend Section 737LL of the Political Code, relating to salaries of superior judges in the City and County of San Francisco.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 837: By Senator O'Gara—An act to amend Section 128 of the Civil Code, relating to cross-complaints in a divorce action.

Referred to Committee on Judiciary.

Senate Bill No. 838: By Senator O'Gara—An act to amend Section 108 of the Civil Code, relating to grounds for divorce.

Referred to Committee on Judiciary.

Senate Bill No. 839: By Senator O'Gara—An act to pay the claim of Fay Hancock Gines and Ferrel DeMar Gines against the State of California.

Referred to Committee on Finance.

Senate Bill No. 840: By Senator O'Gara—An act to amend Section 6509 of the Business and Professions Code, relating to the inspection of barber shops and barber colleges.

Referred to Committee on Business and Professions.

Senate Bill No. 841: By Senator O'Gara—An act to amend Sections 6420, 5902, 4040, 6050, 6240, and 5150 of the Harbors and Navigation Code, relating to harbors, ports, and navigation.

Referred to Committee on Transportation.

Senate Bill No. 842: By Senator O'Gara—An act to amend Section 6322 of, and to add Section 6324.5 to, the Public Resources Code, relating to powers of State Lands Commission.

Referred to Committee on Natural Resources.

Senate Bill No. 843: By Senator Dilworth—An act to amend Section 6 of the State Aeronautics Commission Act, relating to veterans preference as a condition of state aid to political subdivisions for construction and operation of airports.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 844: By Senator Watson—An act to add Section 59.4 to the Alcoholic Beverage Control Act, relating to the hours of sale and alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 845: By Senators Dilworth, Jespersen, Williams, Weybret, and Donnelly—An act to add Chapter 10.5, comprising Sections 6401 to 6406, inclusive, to Division 3 of the Education Code, relating to state payments to school districts.

Referred to Committee on Education.

Senate Constitutional Amendment No. 15: By Senators Coombs and Hatfield—Proposed amendment to the Constitution of the State of California by amending Section 1 of Article XIII thereof, relating to the taxation of veterans homes financed by the State of California.

Referred to Committee on Military and Veterans Affairs.

Senate Constitutional Amendment No. 16: By Senator Rich—Proposed amendment to Article XIII of the Constitution, relative to taxation of insurers.

Referred to Committee on Revenue and Taxation.

Senate Concurrent Resolution No. 32: By Senator Dorsey—Relative to the cessation until January 1, 1950, of expenditure for a new site for the California Institution for Women.

Referred to Committee on Institutions.

Senate Joint Resolution No. 16: By Senator O'Gara—Relative to requesting the President of the United States and the Governor of the State of California to appoint a commission to select a site for a bridge crossing San Francisco Bay.

Referred to Committee on Transportation.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 22—Relative to the continuance of the Legislative Centennial Committee;

Senate Concurrent Resolution No. 23—Relative to the sale of the Fresno State College campus;

Senate Concurrent Resolution No. 24—Relative to the Y. M. C. A. Model Legislature;

And reports the same have been correctly enrolled, and presented to the Secretary of State on the twenty-sixth day of January, 1949, at 11.30 a.m.

POWERS, Chairman

ADJOURNMENT

At 12.25 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 10.30 a.m., Thursday, January 27, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

NINETEENTH LEGISLATIVE DAY

TWENTY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, January 27, 1949

The Senate met at 10.30 a.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

President of the Senate Presiding

At 10.35 a.m., Hon. Goodwin J. Knight, President of the Senate, presiding.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Williams, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Harold Swan, George C. Kumber, and Mr. and Mrs. John Ledwards, all of Sacramento.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Don McNary of Oakland.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edward Howden and Richard Detterino of San Francisco.

On request of Senators Hugh M. Burns, Keating, Powers, and Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. A. Bennett of Boise, Idaho.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Alden Pratt of San Francisco.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fred Haight, Kyle Guy, Charles Selig, George E. Lyon of Del Norte County, and George Raymond, City Attorney of Crescent City.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Presley Abshire of Geyserville, Mr. and Mrs. Richard C. Miller, and Dr. Makaroff of Guerneville.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. A. Kerlin of Oakland.

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gerald Haggerty, Edward Kenney, Matthew Graham, and Herbert Fehley of the Golden Gate Bridge Board of Directors.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 17: By Senator Crittenden—Relative to memorializing Congress to consider flood control needs in California.

Request for Unanimous Consent

Senator Crittenden asked for, and was granted, unanimous consent to have Senate Joint Resolution No. 17 sent to print with a rush order.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 205

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read :

Assembly Joint Resolution No. 17—Relative to memorializing Congress concerning minimum wage legislation.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT : The Committee on Rules has examined :

Senate Joint Resolution No. 12

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT : The Committee on Rules has examined :

Senate Bill No. 595

Senate Joint Resolution No. 7

Senate Joint Resolution No. 13

Senate Joint Resolution No. 14

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT : The Committee on Agriculture, to which was referred :

Assembly Joint Resolution No. 5

Has had the same under consideration, and reports the same back with the recommendation : Be adopted.

Committee membership 13 ; committee vote : Ayes 8 ; absent 5.

CRITTENDEN, Chairman

Above reported resolution ordered to third reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT : The Committee on Labor, to which was referred :

Senate Bill No. 106

Has had the same under consideration, and reports the same back with amendments with the recommendation : Amend, and re-refer to the committee.

Committee membership 7 ; committee vote : Ayes 5 ; absent 2.

JUDAH, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT : The Committee on Finance, to which was referred :

Assembly Bill No. 527

Has had the same under consideration, and reports the same back with the recommendation : Do pass.

Committee membership 11 ; committee vote : Ayes 10 ; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS

Senate Bill No. 595—An act to validate certain acts, proceedings, contracts, and expenditures in relation to the improvement of county-owned property for fair purposes, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Ward, and Watson—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Ward, and Watson—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 12—Relative to memorializing the President and the Congress of the United States in relation to the retention of the National Guard under state control.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Hugh M. Burns, Michael J. Burns, Busch, Collier, Cunningham, Desmond, Dilworth, Dorsey, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Powers, Regan, Salsman, Sutton, Tenney, Ward, and Watson—24.

NOES—Senator Dillinger—1.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 13—Relative to memorializing the President and the Congress of the United States in relation to the Forestry Service special use permit fees.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Salsman, Sutton, Ward, and Watson—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 14—Relative to memorializing the Congress of the United States in relation to repealing the Transportation Tax.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Hugh M. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Jespersen, Johnson,

Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Salsman, Sutton, Ward, and Watson—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

Senate Resolution No. 43

Relative to the continuance of the Senate Interim Committee on Veterans Affairs

Resolved by the Senate of the State of California, As follows:

1. The Senate Interim Committee on Veterans Affairs created by Senate Resolution No. 100 of the 1947 Regular Session is continued as a Senate committee at this session, with the membership and with all the rights, powers and duties possessed by the committee and its members immediately prior to the commencement of this session. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

2. The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, with authority to file a final report on or before the last legislative day.

3. The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

4. The sum of three thousand five hundred ninety-five dollars and forty-eight cents (\$3,595.48) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Powers, Salsman, Sutton, Ward, and Watson—26.

NOES—None.

Senate Joint Resolution No. 7—Relative to memorializing the Congress of the United States to enact legislation relating to the disposal of temporary war housing.

Motion to Refer Resolution to Inactive File

Senator Hatfield moved that Senate Joint Resolution No. 7 be placed on the inactive file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 425—An act to amend Section 781 of the Vehicle Code, relating to disposition and transfer of moneys from the Motor Vehicle Fund, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Breed.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 425:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 24, 1949

To the Honorable Members of the Senate
Sacramento, California

GENTLEMEN:

Assembly Bill No. 425, "An act to amend Section 781 of the Vehicle Code, relating to disposition and transfer of moneys from the Motor Vehicle Fund, declaring the urgency thereof, to take effect immediately,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

While this bill does not in itself make an appropriation, the Legislative Counsel has suggested that as a matter of safety there should be a letter from the Governor authorizing the Legislature to consider the bill prior to enactment of the Budget Bill. The bill does not change the amount of money which the Division of Highways will receive. It merely provides that the apportionment from the Motor Vehicle Fund to the Highway Users Tax Fund may be quarterly instead of annually.

I therefore recommend consideration of Assembly Bill No. 425 as an emergency measure.

Respectfully submitted,

EARL WARREN, Governor

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Salsman, Tenney, Ward, and Watson—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Donnelly, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Salsman, Tenney, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Assembly Bill No. 295—An act to add a new division to the Vehicle Code, to be numbered 9b, relating to the regulation, control and policing of vehicles and vehicular traffic on privately owned toll bridges and the approaches thereto, declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Salsman.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, and Weybret—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly,

Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Swing, Tenney, Ward, and Watson—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 8—Relative to providing a veterans' hospital at San Diego.

Resolution read, and presented by Senator Kraft.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Ward, Watson, and Weybret—31.
NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 2—Relative to memorializing the President and the Congress of the United States in relation to two irrigation canals to supply water from the Sacramento River to areas in Northern California.

Resolution read, and presented by Senator Drobish.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Weybret—35.
NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Collier:

Senate Resolution No. 48

Relative to requesting the State Personnel Board for information as to the feasibility and cost of job surveys in the state service

WHEREAS, The cost of State Government has greatly increased in recent years and the sums of money requested for the support of state governmental functions have increased to such an extent as to give serious cause for concern; and

WHEREAS, A large part of the cost of State Government is represented by the salaries and wages paid to state employees; and

WHEREAS, The policy of the State as expressed in the State Civil Service Law is that state employees shall be compensated at the same levels of payment that obtain for positions involving like duties and responsibilities in other employment, public or private; and

WHEREAS, Positions in state employment are classified in accordance with a classification system under which the compensation is fixed in accordance with the duties and responsibilities of the position as shown by the specifications for the position; and

WHEREAS, The State Personnel Board has jurisdiction to reclassify any position when it deems it necessary to do so; and

WHEREAS, It is possible that there are a number of state employees, particularly in the upper salary brackets, who occupy positions in which the actual work performed from day to day is not of sufficient importance and responsibility to warrant the salary range established for the particular class of position; and

WHEREAS, To the extent that state employees are carried on the state pay roll in positions in which the services rendered to the State are not commensurate with the compensation received, the existence of such situations not only is contrary to the policy of the State as expressed in the State Civil Service law but renders it proportionately more difficult to effect salary increases for positions for which such increases are justified; and

WHEREAS, The foregoing are matters upon which the Senate needs to be informed ; now, therefore, be it

Resolved by the Senate of the State of California. That the State Personnel Board is requested to investigate and study the feasibility and cost of a state-wide position or job analysis for the various positions in the state service to the end that such positions be reclassified so that the duties actually performed shall be commensurate with the compensation paid, and to report the results of such study and investigation to the Senate on or before March 15, 1949, on the following basis: (1) The feasibility and cost of such a position analysis for all positions in the state service, and (2) The feasibility and cost thereof if limited to positions for which the starting salary is in excess of three hundred dollars (\$300) per month; and be it further

Resolved. That the Secretary of the Senate is directed to transmit a copy of this resolution to each of the members of the State Personnel Board and to the executive officer of said board.

Resolution was read, and on motion of Senator Collier, adopted.

COMMUNICATIONS

The following communication was received and read :

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, January 25, 1949

Hon. Goodwin J. Knight

President of the Senate

MR. PRESIDENT: I am pleased to submit my report on Needed Revision of the Statutes, the Better to Express Legislative Intent, prepared in response to the requirements of Section 10242 of the Government Code, together with legislative bills designed to make the suggested clarifying changes.

In submitting this report, I wish to acknowledge my indebtedness to state officials, attorneys, and others, including members of my staff, who severally brought various statutory defects to my attention, and with whom I conferred during the course of the study which resulted in this report.

Particular acknowledgment is due Mr. Clarence H. Langstaff, Chief Deputy Legislative Counsel, who assembled and analyzed the data for the formulation of the recommendations, and supervised the drafting of the legislative bills.

Yours very sincerely,

FRED B. WOOD, Legislative Counsel

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

*Report of Legislative Counsel on Needed Revision of the Statutes,
the Better to Express the Legislative Intent*

To the Senate and Assembly of the State of California:

In compliance with the requirement that the Legislative Counsel "advise the Legislature from time to time as to needed revision of the statutes" (Government Code, Section 10242), which I interpret as having reference to clarifying amendments the better to express the legislative intent, I suggest for your consideration the possible desirability of making the following changes in the statutory law:

Civil Code: Amend Section 1260, relating to homesteads, to delete an unnecessary comma toward the end of Subdivision 1 and to insert "other" between "any" and "person" in Subdivision 2.

Corporations Code: Amend Section 3641, relating to readoption or restoration of corporate instruments, to correct an erroneous cross-reference by substituting "3631" for "3632" as the section referred to.

Education Code: Amend Section 19611, relating to employees in child welfare centers, to correct a cross-reference at the end thereof, substituting "Division 7" for "Division 5".

Government Code: Amend Section 19390, relating to military service of state employees, to delete at the end of the section the parenthetical reference to a 1945 amendment of the section.

Government Code: Add Section 500017.5 to repeal Chapter 62 of the Statutes of 1853, page 84, relating to clerks in the office of the Secretary of State; a statute intended for repeal by Section 500017 of said code, which erroneously cited the 1853 statute as Chapter 62 of the Statute of 1852, page 84. (Chapter 62 of the Statutes of 1852 was repealed by Chapter 73 of the Statutes of 1933; the Statute of 1852 which commences on page 84 of the statutes for that year was repealed by Chapter 44 of the Statutes of 1853.)

Health and Safety Code: Amend Section 8802, relating to cemetery corporations, to correct the designation of the last subdivision by substituting "(e)" for "(c)".

Political Code: Amend Section 4300f correctly to broaden the exception in respect to jurors' fees fixed by other provisions of law, by substituting in the first line of the section "by statute" for "in this title," in view of the fact jurors' fees are fixed by the provisions of a number of the county Government Code sections which are now in the Government Code and no longer in said title of the Political Code.

Streets and Highways Code: Amend Section 1331, relating to county road commissioner, to correct an obsolete cross-reference to Section 1029 of that code, substituting therefor a reference to Section 2006 of the code.

During the course of my study a number of other similar defects in the statutory law were discovered. I have refrained from mentioning such other defects in this report for the reason that the several state agencies affected and members of the Legislature interested, with whom I had conferred, expressed a desire to present legislative measures to you designed to make the necessary corrections.

Dated: Sacramento, California, January 25, 1949.

FRED B. WOOD, Legislative Counsel

LETTER OF TRANSMITTAL

SENATE, CALIFORNIA LEGISLATURE, January 25, 1949

To the President of the Senate

*The Speaker of the Assembly, and Other
Members of the Senate and the Assembly*

The Joint Legislative Committee on Agriculture and Livestock Problems, created by Senate Concurrent Resolution No. 54, Statutes 1947, Chapter 181, page 3750, and by Senate Concurrent Resolution No. 48, Statutes 1948, Chapter 62, page 362, submits the following partial report:

Senate Concurrent Resolution No. 48, Statutes 1948, Chapter 62, page 362, gave your committee additional funds for the purpose, in part, of conducting an investigation of the need for fixing the price of milk.

Thereafter, and under arrangement with the legislative auditor, Roland A. Vandegrift, D. A. Weinland, agricultural economist and financial technician, was employed by your committee for the purpose of making a study of this problem.

Your committee submits herewith Mr. Weinland's report for the information of the Legislature.

GEORGE J. HATFIELD, Chairman
BRADFORD S. CRITTENDEN
EARL D. DESMOND
BEN HULSE
FRID WEYBRET
HAROLD J. POWERS

S. L. HEISINGER
GEORGE A. CLARKE
THOMAS M. ERWIN
VERNE W. HOFFMAN
GEORGE BUTTERS
LLOYD W. LOWERY

Letter of Transmittal ordered printed in the Journal and report ordered printed in appendix to the Journal.

Request for Unanimous Consent

Senator Hatfield asked for, and was granted, unanimous consent to have 300 copies of the partial report of the Joint Legislative Committee on Agricultural and Livestock Problems printed for distribution.

RESOLUTIONS

The following resolutions were offered:

By Senator Collier:

Senate Resolution No. 49

Relative to the creation of the Senate Committee on Fair Employment Practices

WHEREAS, The population of this State is daily being increased by the arrival of large numbers of persons of varied races, colors and creeds; and

WHEREAS, This situation, which within the past decade has almost doubled the population of the State, has resulted in a mixed and diverse population; and

WHEREAS, These factors might give rise to discriminatory practices in California, based on considerations of race, color and creed; and

WHEREAS, The Governor has recommended that legislation be enacted on this subject; and

WHEREAS, In order to ascertain the necessity for, and the nature of, legislation on this subject it is necessary that the Senate be fully informed thereon, particularly as to the effect and operation of fair employment legislation in New York and other states with large and diversified populations; now, therefore, be it

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Fair Employment Practices is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the subjects referred to in the recitals of this resolution, with particular reference to the operation and effect of the Fair Employment Practices Act of the State of New York, and the need for similar or related legislation in this State, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of three members of the Senate, appointed by the Committee on Rules thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, but not after final adjournment, with authority to file a final report not later than the final legislative day.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members. Until the adoption of the Joint Rules at this session the Joint Rules of the 1947 Session, as amended, are applicable to the committee.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(f) To meet and act at any place, within or without the boundaries of the State of California, in carrying out the duties imposed upon it by this resolution.

6. The sum of ----- dollars (\$-----) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senators Donnelly and Dilworth:

Senate Resolution No. 50

Relative to the March of Dimes Campaign

WHEREAS, The State of California was struck with an epidemic of infantile paralysis in 1948 with 5,811 cases being officially recorded, and

WHEREAS, Our entire Nation suffered its worst epidemic of this crippling disease since 1916, with 27,600 cases reported throughout the United States, and

WHEREAS, Through county chapters of the March of Dimes aided by more than one million dollars (\$1,000,000) from the national headquarters of the National Foundation for Infantile Paralysis, spent more than two million seven hundred and seventy thousand dollars (\$2,770,000) in this State alone for the care and cure of those suffering from polio, and

WHEREAS, The treasuries of many of our county chapters of the March of Dimes are depleted and in debt because of the heavy drain on their finances in fighting the polio epidemic, and

WHEREAS, The first two weeks of 1949 disclose that 117 new cases of polio have been reported with no let up of the epidemic in sight, therefore, be it

Resolved, That the California State Senate appeals to all residents of California to contribute generously to the 1949 March of Dimes campaign for funds to the end that the research, care and cure of those stricken with polio may be continued at the highest level of scientific efficiency.

Resolution read, and on motion of Senator Donnelly, adopted.

By Senators Tenney, Hugh M. Burns, Watson, Kraft, Sutton, and Dilworth:

Senate Resolution No. 51

Relative to the creation of the Senate Fact-Finding Committee on Un-American Activities

WHEREAS, These are yet times of public danger. Subversive persons and groups are endangering our domestic unity so as to leave us unprepared to resist attack from without or within. Under color of the protection afforded by the Bill of Rights these persons and groups seek to destroy our freedom by force, violence, threats, undermining and sabotage, and to subject us to the domination of foreign powers and ideologies; and

WHEREAS, There is danger that the ordeal through which the Country has suffered to keep the pursuit of its ideals free may be in vain; and

WHEREAS, Persons and groups, motivated by hatred of American ideals, our republican form of government and democratic processes, some bound together by allegiance to foreign powers, are even now seeking to achieve by subversion what we have so valiantly fought to sustain from force; and

WHEREAS, California, as one of the laboratories of this great Nation, may profitably study the problem within its boundaries, and enact pertinent legislation therein, if facts are available therefor; and

WHEREAS, State legislation to meet the problem and to assist law enforcement officers can best be based on a thorough and impartial investigation by a competent and active legislative committee; and

WHEREAS, The Congress of the United States, in recognition of the menace of international communism has appropriated billions of dollars per year for the purpose of holding back the red tide of communism in Europe and Asia; and

WHEREAS, It is apparent that vigorous action is necessary at home; now, therefore, be it

Resolved by the Senate of the State of California, That

1. The Senate Fact-Finding Committee on Un-American Activities is hereby created and authorized and directed to investigate, ascertain, study and analyze all facts directly or indirectly relating to the foregoing, to the activities of groups and organizations whose membership include persons who are members of organizations who have as their objectives, or part of their objectives, the overthrow of the government of the State of California or of the United States by force and violence or other unlawful means, all organizations known or suspected to be dominated or controlled by a foreign power which activities affect the conduct of this State in national defense, the functioning of any state agency, unemployment relief and other forms of public assistance, educational institutions of this State supported in whole or in part by public funds, or any political program, or which may affect the conversion of the State from a wartime economy to a peacetime economy or affect the economic and social problems incidental thereto, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate.

2. In addition to the foregoing, the Senate Fact-Finding Committee on Un-American Activities is authorized and directed to ascertain, study and analyze all facts relating to the activities of persons and groups known or suspected to be dominated or controlled by a foreign power, and who owe allegiance thereto because of religious, racial, political, ideological, philosophical, or other ties, including but not limited to the influence upon all such persons and groups of education, economic circumstances, social positions, fraternal and casual associations, living standards, race, religion, political, ancestry and the activities of paid provocation and any other factors which may account for their conduct or condition their action, as well as the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate.

3. The committee shall consist of six Members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring or existing in the membership of the committee shall be filled by the appointing power.

4. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the final adjournment of the 1951 Regular Session, with authority to file its final report not later than the last legislative day of that session.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and the Standing Rules of the Senate as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership, and to employ and fix the compensation of a secretary and such clerical, investigative, expert and technical assistants as it may deem necessary.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(f) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee.

(g) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate.

(h) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee.

(i) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony.

7. The committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths.

8. Every department, commission, board, agency, officer and employee of the State Government, including the Legislative Counsel, the Attorney General and their subordinates, and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created.

9. The committee, or a subcommittee or the chairman when authorized by a majority vote of the entire committee, may meet outside the State with similar committees of Congress or of the several states.

10. The sum of one hundred fifty thousand dollars (\$150,000), or as much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from said contingent fund, and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 645

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 645—An act to amend Sections 3420 and 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, increasing the amount of the grant thereof, and making an appropriation, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, January 27, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Assembly Bill No. 645

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 9.

DILLINGER, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred:

Assembly Bill No. 62

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 33: By Senators O'Gara and Regan—Relative to adjournment in respect to the memory of Mrs. Mary K. Behrens.

Request for Unanimous Consent

Senator O'Gara asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 3, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 33

Senate Concurrent Resolution No. 33—Relative to adjournment in respect to the memory of Mrs. Mary K. Behrens.

The resolution read, and adopted by a rising vote of the following Senators:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—39.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 846: By Senator Desmond—An act to amend Section 20 of the Corporation Income Act, relating to overpayment of taxes. Referred to Committee on Revenue and Taxation.

Senate Bill No. 847: By Senator Desmond—An act to amend Section 19062 of the Revenue and Taxation Code, relating to overpayment of taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 848: By Senator Coombs—An act to amend Section 2 of the Public Utilities Act, relating to the definition of public utilities, and definitions of other terms used in said act, and including and defining cemetery authorities as public utilities subject to the provisions of said act.

Referred to Committee on Public Utilities.

Senate Bill No. 849: By Senators Desmond and Ward—An act to amend Sections 4452, 4453, 4653, 4654, 4656, 4658, 4659, and 4702 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 850: By Senators Dilworth, Donnelly, Williams, Weybret, and Jespersen—An act to add Chapter 1.6 to Division 3 of the Education Code, providing for school district public works, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 851: By Senators Desmond, Keating, Jespersen, Coombs, Donnelly, Judah, Ward, and H. M. Burns—An act to amend the title and Sections 1, 2, 3, 15, and 16 of the Sanitation and Sewer Revenue Board Act of 1941, relating to the financing of revenue-producing enterprises by municipalities.

Referred to Committee on Local Government.

Senate Bill No. 852: By Senator Dilworth—An act to amend Sections 12127, 12128, 12129, 12130, 12131, 12134, 12135, 12136, 12137, and 12144 of the Education Code, relating to the credentials authorizing service in the public schools.

Referred to Committee on Education.

Senate Bill No. 853: By Senator Dilworth—An act to aid in the acquisition and construction of homes for veterans.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 854: By Senator Williams—An act to add Section 953.5 to the Streets and Highways Code, relating to county highways.

Referred to Committee on Transportation.

Senate Bill No. 855: By Senator Williams—An act to amend Section 28113 of the Government Code, relating to compensation for public service in counties of the thirteenth class.

Referred to Committee on Local Government.

Senate Bill No. 856: By Senator Coombs—An act to amend Section 737ee of the Political Code, relating to the salary of superior judges in and for the County of Yolo.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 857: By Senator Michael J. Burns—An act making an appropriation to the emergency fund specified in Item 278 of the Budget Act of 1949, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 858: By Senator Breed—An act to amend Section 10454 of the Business and Professions Code, relating to the Division of Real Estate.

Referred to Committee on Business and Professions.

Senate Bill No. 859: By Senator McBride—An act to amend Sections 736 and 12903.5 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 860: By Senator McBride—An act to amend Section 12902 of the Insurance Code, relating to the annual salary of the Insurance Commissioner.

Referred to Committee on Financial Institutions.

Senate Bill No. 861: By Senator McBride—An act to amend Section 1858.6 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 862: By Senator McBride—An act to amend Section 1020 of the Insurance Code, relating to insolvency and delinquency proceedings.

Referred to Committee on Financial Institutions.

Senate Bill No. 863: By Senator McBride—An act to add Section 10180 to the Insurance Code, relating to group life and disability insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 864: By Senator McBride—An act to add to Chapter 1, Part 2, Division 1 of the Insurance Code, a new article to be numbered 7.5, relative to remuneration of insurance claims adjusters.

Referred to Committee on Financial Institutions.

Senate Bill No. 865: By Senator McBride—An act to add Article 3.2 to Chapter 1, Part 2, Division 1 of the Insurance Code, relating to operation of mutual insurers by stock insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 866: By Senator McBride—An act to amend Sections 1581, 1583, 1586, 1591, and 1594 of the Insurance Code, to renumber and amend Sections 1584, 1595, 1596, 1596.5, 1597, 1598, and 1599 of said code, to repeal Section 1582 of said code, and to add Section 1595 to said code, relating to alien insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 867: By Senator McBride—An act to amend Section 952 of the Insurance Code, relating to deposits with the Insurance Commissioner.

Referred to Committee on Financial Institutions.

Senate Bill No. 868: By Senator McBride—An act to amend Section 1282 of the Insurance Code, relating to reciprocal or interinsurance exchanges.

Referred to Committee on Financial Institutions.

Senate Bill No. 869: By Senator McBride—An act to amend Section 1 of an act entitled "An act to provide a stenographer and typist for judges of the superior courts and providing for their salaries and the payment thereof," approved May 31, 1927, relating to superior court stenographers and secretaries.

Referred to Committee on Local Government.

Senate Bill No. 870: By Senator McBride—An act to add Section 678.5 to the Vehicle Code, relating to equipment of vehicles.

Referred to Committee on Transportation.

Senate Bill No. 871: By Senator McBride—An act to add Section 327 to the Penal Code, relating to lotteries.

Referred to Committee on Judiciary.

Senate Bill No. 872: By Senator McBride—An act to add Part 10 to Division 3 of Title 2 of the Government Code, relating to a commission to administer the law relating to county and district agricultural association fairs.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 873: By Senator McBride—An act to amend Section 11791 of the Education Code, relating to textbooks for junior college students.

Referred to Committee on Education.

Senate Bill No. 874: By Senator Dilworth—An act to repeal Section 52 of, and to add Section 52 to, the County Water District Act, relating to inclusion of lands.

Referred to Committee on Water Resources.

Senate Bill No. 875: By Senator Ward—An act making an appropriation to the Youth Authority for payments under Section 957 of the Welfare and Institutions Code.

Referred to Committee on Institutions.

Senate Bill No. 876: By Senator Ward—An act to amend Section 2924c of the Civil Code, relating to the reinstatement of a deed of trust or mortgage, and the payment of arrearages and costs.

Referred to Committee on Judiciary.

Senate Bill No. 877: By Senator Dilworth—An act to add Section 373.1 to the Vehicle Code, relating to registration of vehicles.

Referred to Committee on Transportation.

Senate Bill No. 878: By Senator Parkman—An act to add Section 507 to the Streets and Highways Code, relating to state highway routes.

Referred to Committee on Transportation.

Senate Bill No. 879: By Senator Ward—An act to add Chapter 10.3 to Title 9 of Part 1 of the Penal Code, relating to gambling devices, including additional means for enforcement of the law prescribing unlawful possession, keeping, or use of gambling devices.

Referred to Committee on Judiciary.

Senate Bill No. 880: By Senators Desmond and Ward—An act to repeal Sections 118 and 119 of the Labor Code, relating to the Industrial Accident Commission, its attorney and his assistants.

Referred to Committee on Labor.

Senate Bill No. 881: By Senators Desmond and Ward—An act to amend Section 3202 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 882: By Senators Desmond and Ward—An act to amend Sections 5903 and 5952 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 883: By Senators Desmond and Ward—An act to amend Sections 3208 and 4663 of the Labor Code, and to add Sections 3600.5 and 3600.6 to said code, all relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 884: By Senators Desmond and Ward—An act to amend Sections 5410 and 5803 of the Labor Code and to repeal Section 5804 of that code, all relating to workmen's compensation

Referred to Committee on Labor.

Senate Bill No. 885: By Senators Desmond and Ward—An act to amend Sections 115, 3202, 3208, 4452, 4453, 4653, 4654, 4656, 4658, 4659, 4663, 4702, 5301, 5302, 5309, 5410, 5709, 5800, 5803, 5900, 5903, and 5952 of the Labor Code; to repeal Sections 118, 119, and 5804 of said code; to repeal Sections 5313, 5314, and 5315 of said code and add new sections numbered 5313, 5314, and 5315; and to add Sections 3600.5 and 3600.6, 5908.5, and 5908.6, to said code, all relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 886: By Senators Desmond and Ward—An act to amend Sections 115, 5301, 5302, 5309, 5709, 5800, and 5900 of the Labor Code, to repeal Sections 5313, 5314, and 5315 of said code and add new Sections 5313, 5314, and 5315 to said code; and to add Sections 5908.5 and 5908.6 to said code, all relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 887: By Senator Miller—An act to provide for the purchase of the "Alvarado Adobe" building in the City of San Pablo as a part of the State Park System, and making an appropriation therefor.

Referred to Committee on Natural Resources.

Senate Bill No. 888: By Senator Miller—An act to add Section 1068.5 to the Fish and Game Code, relating to reduction permits.

Referred to Committee on Fish and Game.

Senate Bill No. 889: By Senator Miller—An act to amend Section 28115 of the Government Code, relating to compensation for public service in counties of the fifteenth class.

Referred to Committee on Local Government.

Senate Bill No. 890: By Senator Watson—An act to amend Sections 3 and 4 of the Relief Act of 1945, relating to the relief of hardship and destitution.

Referred to Committee on Social Welfare.

Senate Bill No. 891: By Senators Dorsey, Judah, Jespersen, and Dillinger—An act to add Part 13 comprising Sections 25751 to 26353, inclusive, to Division 2 of the Revenue and Taxation Code, relating to a tax with respect to the sale and use or consumption of tobacco products.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 892: By Senators Williams, Jespersen, Tenney, Coombs, Rich, Parkman, Watson, Gibson, Cunningham, Keating, and Kraft—An act to amend Section 19.6 of the Fish and Game Code, relating to the Fish and Game Commission and extending the period during which its general regulatory powers shall continue in existence.

Referred to Committee on Fish and Game.

Senate Bill No. 893: By Senator Watson—An act to amend Section 795.1 of the Agricultural Code, relating to orange standards.

Referred to Committee on Agriculture.

Senate Bill No. 894: By Senators Dilworth, Williams, and Weybret—An act to amend Section 8727 of the Education Code, relating to high school tuition fees.

Referred to Committee on Education.

Senate Bill No. 895: By Senator Johnson—An act to amend Section 28133 of the Government Code, relating to compensation for public services in counties of the thirty-third class.

Referred to Committee on Local Government.

Senate Bill No. 896: By Senator Jespersen—An act to provide for school district public works and making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 897: By Senator Jespersen—An act to amend Section 526 of the Agricultural Code, relating to milk products plant and packaging therein.

Referred to Committee on Agriculture.

Senate Bill No. 898: By Senator Jespersen—An act imposing an excise tax for the privilege of severing petroleum, natural gas or natural gasoline from the earth, providing for permits to producers, providing for the levying, assessing, collecting, paying and disposing of such tax, making an appropriation for the administration hereof, prescribing penalties for violations hereof and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 899: By Senator Jespersen—An act to amend Section 806 of the Fish and Game Code, relating to Pismo clams.

Referred to Committee on Fish and Game.

Senate Bill No. 900: By Senator Jespersen—An act to repeal Article 8, comprising Sections 230 and 231, of Chapter 1 of Division 2 of.

and to add Section 804.5 to, the Fish and Game Code, relating to the taking of clams.

Referred to Committee on Fish and Game.

Senate Bill No. 901: By Senator Kraft—An act to amend the title and Section 3 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 902: By Senator Kraft—An act to amend Section 1 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 903: By Senator Kraft—An act to add Section 4 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 904: By Senator Kraft—An act to amend Section 6 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 905: By Senator Kraft—An act to amend Section 13 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 906: By Senator Kraft—An act to add Section 36 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 907: By Senator Kraft—An act to repeal Section 38 of, and to amend Section 39 of, the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 908: By Senator Kraft—An act to repeal Section 39.1 of, and to amend Section 41 of, the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 909: By Senator Kraft—An act to amend Section 40 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 910: By Senator Kraft—An act to amend Sections 41, 52, 52.5, and 53 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 911: By Senator Kraft—An act to amend Section 41.1 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 912: By Senator Kraft—An act to amend Section 41.5 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 913: By Senator Kraft—An act to amend Section 42 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 914: By Senator Kraft—An act to amend Section 43 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 915: By Senator Kraft—An act to amend Sections 45 and 57 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 916: By Senator Kraft—An act to amend Section 45 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 917: By Senator Kraft—An act to amend Section 45.11 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 918: By Senator Kraft—An act to amend Section 53 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 919: By Senator Kraft—An act to amend Section 54 of the Unemployment Insurance Act, relating to weekly benefit payments.

Referred to Committee on Social Welfare.

Senate Bill No. 920: By Senator Kraft—An act to amend Sections 54 and 55 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 921: By Senator Kraft—An act to repeal Section 56 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 922: By Senator Kraft—An act to amend Section 56.6 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 923: By Senator Kraft—An act to amend Sections 57, 57.5, 57.7, 58, 67, and 68 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 924: By Senator Kraft—An act to amend Section 57 of, to add Sections 57.2 and 57.3 to, and to amend and renumber Section 57.5 of, the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 925: By Senator Kraft—An act to repeal Section 58 of, and to renumber and amend Section 57.7 of, the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 926: By Senator Kraft—An act to add Section 59 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 927: By Senator Kraft—An act to amend Section 67 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 928: By Senator Kraft—An act to amend Section 69, 70, 72, and 77 of, and to add Section 78.1 to, the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 929: By Senator Kraft—An act to amend Sections 75, 76, 83, and 93 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 930: By Senator Kraft—An act to amend Section 75 of the Unemployment Insurance Act, relating to the administration of said act.

Referred to Committee on Social Welfare.

Senate Bill No. 931: By Senator Kraft—An act to add Section 76.1 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 932: By Senator Kraft—An act to add Section 84 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 933: By Senator Kraft—An act to amend Section 85 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 934: By Senator Kraft—An act to amend Section 86 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 935: By Senator Kraft—An act to add Section 87 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 936: By Senator Kraft—An act to add Section 88 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 937: By Senator Kraft—An act to amend Section 92 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

REQUEST FOR UNANIMOUS CONSENT

Senator Kraft asked for, and was granted, unanimous consent to have 2,000 additional copies each of the following Senate bills printed for distribution:

Senate Bills Nos. 905, 907, 910, 915, 916, 918, 919, 923, 924, 926, 927, 928, and 937.

President Pro Tempore of the Senate Presiding

At 11.55 a.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 938: By Senator Kraft—An act to add Section 98 to the Unemployment Insurance Act, relating to the administration of said act and the auditing of transactions thereunder.

Referred to Committee on Social Welfare.

Senate Bill No. 939: By Senator Kraft—An act to amend Section 100 of, and to repeal Sections 101, 101.5, 101.6, 101.8, and 101.9 of, the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 940: By Senator Kraft—An act to add Section 103 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 941: By Senator Kraft—An act to amend Section 291 of the Unemployment Insurance Act, relating to disability insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 942: By Senator Kraft—An act relating to a continuing study of problems arising from social security legislation by adding Article 11 to the Unemployment Insurance Act, and providing for the creation of Senate and Assembly Committees on Social Security Problems, and the California Commission on Social Security Problems, defining their powers and duties, and imposing duties in relation thereto, and making an appropriation.

Referred to Committee on Social Welfare.

Senate Bill No. 943: By Senator Kraft—An act to add Section 59 to the Unemployment Insurance Act, relating to seasonal employment.

Referred to Committee on Social Welfare.

Senate Bill No. 944: By Senator Kraft—An act to amend Section 551 of the Business and Professions Code, relating to the prevention of blindness at childbirth.

Referred to Committee on Business and Professions.

Senate Bill No. 945: By Senator Kraft—An act to amend Section 1205 of the Business and Professions Code, relating to clinical laboratory technology.

Referred to Committee on Business and Professions.

Senate Bill No. 946: By Senator Kraft—An act to amend Section 2008 of the Business and Professions Code, relating to professional rights, privileges or powers, and charitable institutions.

Referred to Committee on Business and Professions.

Senate Bill No. 947: By Senator Kraft—An act to add Section 2013 to the Business and Professions Code, relating to the definition of the words "diagnose" and "diagnosis".

Referred to Committee on Business and Professions.

Senate Bill No. 948: By Senator Kraft—An act to amend Sections 2100 and 2101 of the Business and Professions Code, relating to the Board of Medical Examiners.

Referred to Committee on Business and Professions.

Senate Bill No. 949: By Senator Kraft—An act to amend Section 2141 of the Business and Professions Code, relating to the definition of the practice of medicine and surgery.

Referred to Committee on Business and Professions.

Senate Bill No. 950: By Senator Kraft—An act to amend Section 2142 of the Business and Professions Code, relating to violations under the chapter on medicine and surgery.

Referred to Committee on Business and Professions.

Senate Bill No. 951: By Senator Kraft—An act to add Section 2144.5 to the Business and Professions Code, relating to persons and acts exempted from the State Medical Practice Act, Chapter 5 of Division 2 of the Business and Professions Code.

Referred to Committee on Business and Professions.

Senate Bill No. 952: By Senator Kraft—An act to amend Section 2145 of the Business and Professions Code, relating to physicians and surgeons visiting the State.

Referred to Committee on Business and Professions.

Senate Bill No. 953: By Senator Kraft—An act to amend Section 2148 of the Business and Professions Code, relating to recommendations of corrective shoes or appliances for the human feet.

Referred to Committee on Business and Professions.

Senate Bill No. 954: By Senator Kraft—An act to amend Sections 2191 and 2192 of the Business and Professions Code, relating to qualification for admittance to examination.

Referred to Committee on Business and Professions.

Senate Bill No. 955: By Senator Kraft—An act to add Section 2247 to the Business and Professions Code, relating to the creation of a Board of Chiropody Examiners.

Referred to Committee on Business and Professions.

Senate Bill No. 956: By Senator Kraft—An act to repeal Section 2315 of, and to amend Sections 2321 and 2322 of, the Business and Professions Code, relating to reciprocity under the chapter on medicine and surgery.

Referred to Committee on Business and Professions.

Senate Bill No. 957: By Senator Kraft—An act to amend Section 2326 of the Business and Professions Code, relating to practice of chiropody.

Referred to Committee on Business and Professions.

Senate Bill No. 958: By Senator Kraft—An act to amend Section 2377 of, and to repeal Sections 2378, 2379, 2380, 2380.5, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2391.5, 2392, 2393, 2394, 2395, 2396, 2397, 2398, and 2399 of, the Business and Professions Code.

all relating to the grounds for denial, suspension or revocation of certificates to practice medicine and surgery, drugless practitioner certificates, chiroprody certificates, or certificates to practice midwifery.

Referred to Committee on Business and Professions.

Senate Bill No. 959: By Senator Kraft—An act to amend Section 2410 of the Business and Professions Code, relating to the advertising of chiropractical services.

Referred to Committee on Business and Professions

Senate Bill No. 960: By Senator Kraft—An act to amend Section 2496 of the Business and Professions Code, relating to fees of Board of Osteopathic Examiners.

Referred to Committee on Business and Professions.

Senate Bill No. 961: By Senator Kraft—An act to amend Section 4010 of the Business and Professions Code, relating to the powers of the Board of Pharmacy.

Referred to Committee on Business and Professions.

Senate Bill No. 962: By Senator Kraft—An act to add Section 4030.1 to the Business and Professions Code, relating to the practice of pharmacy.

Referred to Committee on Business and Professions.

Senate Bill No. 963: By Senator Kraft—An act to amend Section 4090 of the Business and Professions Code, relating to the practice of pharmacy.

Referred to Committee on Business and Professions.

Senate Bill No. 964: By Senator Kraft—An act to repeal Section 4165 of the Business and Professions Code, relating to the sale and use of hypodermics.

Referred to Committee on Business and Professions.

Senate Bill No. 965: By Senator Kraft—An act to amend Section 4256 of the Business and Professions Code, relating to fees charged by the California State Board of Pharmacy, to take effect immediately.

Referred to Committee on Business and Professions.

Senate Bill No. 966: By Senator Kraft—An act to repeal Article 9, and to amend Section 3125 of Article 3, Chapter 5, Division 2, of the Business and Professions Code, relative to midwives.

Referred to Committee on Business and Professions.

Senate Bill No. 967: By Senator Kraft—An act to amend Section 18711 of, and to add Section 18753 to, the Business and Professions Code, relating to boxing and wrestling.

Referred to Committee on Business and Professions.

Senate Bill No. 968: By Senator Kraft—An act to amend Section 5082.1 of the Business and Professions Code, relating to accountancy, including the registration of public accountants.

Referred to Committee on Business and Professions.

Senate Bill No. 969: By Senator Kraft—An act to amend Section 9516 of the Business and Professions Code, relating to exemption of hotels from the provisions of Chapter 18, Article 1, of said code.

Referred to Committee on Business and Professions.

Senate Bill No. 970: By Senators Kraft and Salsman—An act to add Section 22.5 and 23.5 to the Insurance Code, relating to the definition of insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 971: By Senator Kraft—An act to amend Sections 700.01, 700.02, and 1594 of the Insurance Code, to renumber and amend Section 1584 of said code, to repeal Section 1582 of said code, and to add Section 700.05 to said code, relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 972: By Senator Kraft—An act to add Section 704.7 to the Insurance Code, relating to the denial, suspension and revocation of certificate of authority to insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 973: By Senators Kraft and Salsman—An act to add Section 706.6 to the Insurance Code, relating to the denial, suspension and revocation of certificates of authority to insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 974: By Senators Kraft and Salsman—An act to add Section 755.2 to the Insurance Code, relating to life, disability and surety insurance and the payment of commissions thereon.

Referred to Committee on Financial Institutions.

Senate Bill No. 975: By Senator Kraft—An act to add Sections 908.1, 908.2, and 908.3 to the Insurance Code, relating to the credits which may be taken by an insurer against loss and unearned premium reserves as the result of reinsuring a portion of its business.

Referred to Committee on Financial Institutions.

Senate Bill No. 976: By Senators Kraft and Salsman—An act to add Article 4, comprising Sections 1610 to 1619, inclusive, to Chapter 4, Part 2, Division 1 of the Insurance Code, relating to actions in this State against nonadmitted insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 977: By Senators Kraft and Salsman—An act to amend Section 1690 of the Insurance Code, relating to the issuance of restricted licenses to transact insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 978: By Senators Kraft and Salsman—An act to amend Sections 1730, 1731, 1732, and 1733 of, and to add Section 1734 to, the Insurance Code, relating to production agencies.

Referred to Committee on Financial Institutions.

Senate Bill No. 979: By Senator Kraft—An act to add Section 46.5 to the Elections Code, relating to initiative and referendum petitions.

Referred to Committee on Elections.

Senate Bill No. 980: By Senator Kraft—An act to amend Section 2609 of the Elections Code, relating to elections.

Referred to Committee on Elections.

Senate Bill No. 981: By Senator Kraft—An act to amend Section 2750 of the Elections Code, relating to elections.

Referred to Committee on Elections.

Senate Bill No. 982: By Senator Kraft—An act to add Section 2847.3 to the Elections Code, relating to membership in a county central committee.

Referred to Committee on Elections.

Senate Bill No. 983: By Senator Kraft—An act to amend Section 2848 of the Elections Code, relating to termination of membership in a county central committee.

Referred to Committee on Elections.

Senate Bill No. 984: By Senator Kraft—An act to amend the heading of Chapter 4, Division 7 of; to repeal the article heading of Article 1, Chapter 4, Division 7 of; and to add Sections 5251, 5252, and 5253 to the Elections Code, relating to political corporations and associations.

Referred to Committee on Elections.

Senate Bill No. 985: By Senator Kraft—An act to add Section 5301.5 to, and to amend Section 5302 of, the Elections Code, relating to solicitation of funds for political purposes.

Referred to Committee on Elections.

Senate Bill No. 986: By Senator Kraft—An act to add Sections 6051.5 and 6201.5 to, and to repeal Sections 6354, 6358, 6359, 6367, and 6383 of, the Revenue and Taxation Code, relating to the support of State Government, and for that purpose providing for additional sales and use taxes and for expenditure of the proceeds pursuant to Section 10 of Article XXV of the Constitution, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 987: By Senator Kraft—An act to add Section 6404 to the Revenue and Taxation Code, relating to use taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 988: By Senator Kraft—An act to add Section 943.1 to the Streets and Highways Code, relating to the acquisition of county highways.

Referred to Committee on Transportation.

Senate Bill No. 989: By Senator Kraft—An act to add Sections 104.10 and 910 to the Streets and Highways Code, relating to the acquisition of property for highway purposes.

Referred to Committee on Transportation.

Senate Bill No. 990: By Senator Kraft—An act to add Section 14382.5 to the Education Code, relating to membership in the State Teachers' Retirement System.

Referred to Committee on Education.

Senate Bill No. 991: By Senator Kraft—An act to add Section 13203.1 to Article 1 of Chapter 9 of Division 7 of the Education Code, relating to payment of allowance for use of privately owned vehicles.

Referred to Committee on Education.

Senate Bill No. 992: By Senator Kraft—An act to amend Section 1303 of the Education Code, relating to terms of superintendent of schools.

Referred to Committee on Education.

Senate Bill No. 993: By Senator Kraft—An act to add Article 8 to Chapter 5 of Division 9 of the Education Code, relating to lease of real or personal property by school district to county superintendent of schools.

Referred to Committee on Education.

Senate Bill No. 994: By Senator Kraft—An act to add Section 19144 to the Education Code, relating to performances of services by county superintendents of schools.

Referred to Committee on Education.

Senate Bill No. 995: By Senator Kraft—An act to amend Sections 19302 and 19303 of the Education Code, relating to school cafeterias.

Referred to Committee on Education.

Senate Bill No. 996: By Senator Kraft—An act to amend Section 108 of the Civil Code, relating to divorce actions on grounds of insanity.

Referred to Committee on Judiciary.

Senate Bill No. 997: By Senator Kraft—An act to add Section 532b to the Penal Code, relating to false personation, and providing penalties.

Referred to Committee on Judiciary.

Senate Bill No. 998: By Senator Kraft—An act to amend Sections 4573 and 4573.5 of, and to add Section 4573.6 to the Penal Code, relating to the bringing of narcotics, drugs, and alcoholic beverages into state and local prisons, and making possession of such articles within such institutions a felony.

Referred to Committee on Judiciary.

Senate Bill No. 999: By Senator Kraft—An act to amend Section 4153 of Article 3 of Chapter 6 of Title 2 of Part 4 of the Political Code, relating to the duties of the District Attorney.

Referred to Committee on Judiciary.

Senate Bill No. 1000: By Senator Kraft—An act to amend Section 506 of the Penal Code and to add Sections 506b and 506c to the Penal Code, relating to embezzlement by contractors and subcontractors.

Referred to Committee on Judiciary.

Senate Bill No. 1001: By Senator Kraft—An act to amend Section 13252.1 of the Labor Code, relating to hours of labor for women.

Referred to Committee on Labor.

Senate Bill No. 1002: By Senator Kraft—An act to amend Section 3209.3 of the Labor Code, relating to workmen's compensation and insurance.

Referred to Committee on Labor.

Senate Bill No. 1003: By Senator Kraft—An act to add Section 7114 to the Health and Safety Code, relating to duty of interment of dead human bodies.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1004: By Senator Kraft—An act to amend Section 20751 of the Health and Safety Code, relating to the sale of poisons.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1005: By Senator Kraft—An act to add Section 29020.1 to the Health and Safety Code, relating to dangerous drugs.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1006: By Senator Kraft—An act to add Section 26386 to the Health and Safety Code, relating to the California Pure Drugs Act and its administration.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1007: By Senator Kraft—An act to provide for leasing additional facilities and service for the extension, maintenance and operation of the teletypewriter system of communication by the State Department of Justice and to make an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1008: By Senator Kraft—An act to provide for leasing additional facilities and service for the extension, maintenance, and operation of the teletypewriter system of communication by the State Department of Justice, and to make an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1009: By Senator Kraft—An act to amend Section 736a of the Political Code, relating to salaries of justices of the district courts of appeal.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1010: By Senator Kraft—An act to add Section 18860 to the Government Code, relating to the compensation of telephone operators.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1011: By Senator Kraft—An act to amend Sections 89 and 112 of the Code of Civil Procedure, relating to original jurisdiction of municipal and justices' courts.

Referred to Committee on Judiciary.

Senate Bill No. 1012: By Senator Kraft—An act to add Section 18596 to the Government Code, relating to the executive secretary of the California State Board of Pharmacy including same in the "state civil service."

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1013: By Senator Kraft—An act to add Section 7057 to the Revenue and Taxation Code, relating to registration of employers under the California Unemployment Insurance Act by officers and employees of the Board of Equalization.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1014: By Senators Kraft, Tenney, O'Gara, Parkman, Collier, Ward, Regan, McBride, Hatfield, and Swing—An act to amend Section 19433 of the Business and Professions Code, relating to the salary of the Secretary of the California Horse Racing Board.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1015: By Senator Kraft—An act to add Part 2, comprising Chapter 1, Sections 4000 to 4224, inclusive, to Division 5 of the Welfare and Institutions Code, relating to aid for needy disabled persons.

Referred to Committee on Social Welfare.

Senate Bill No. 1016: By Senator Kraft—An act to amend Section 29741 of the Government Code, relating to authorization of purchase orders by auditors.

Referred to Committee on Local Government.

Senate Bill No. 1017: By Senator Jespersen—An act to amend Section 806 of the Fish and Game Code, relating to Pismo clams.

Referred to Committee on Fish and Game.

Senate Bill No. 1018: By Senator Jespersen—An act to amend Section 28129 of the Government Code, and to amend Section 429 of the Education Code, relating to counties and increasing the salaries of certain county officials.

Referred to Committee on Local Government.

Senate Bill No. 1019: By Senator Jespersen—An act to provide for the expansion of publicly supported higher education by the establishment of a state college in, or adjacent to, the City of Los Angeles, and to repeal Chapters 1082 and 1089 of the Statutes of 1947, all relating to the system of publicly supported higher education.

Referred to Committee on Education.

Senate Bill No. 1020: By Senator Jespersen—An act making an appropriation for the Los Angeles State College.

Referred to Committee on Education.

Senate Bill No. 1021: By Senator Jespersen—An act making an appropriation for the Los Angeles State College.

Referred to Committee on Education.

Senate Bill No. 1022: By Senator Jespersen—An act making an appropriation to the Vocational Education Fund for an apprenticeship training program, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 1023: By Senator Jespersen—An act making an appropriation for the support to the Vocational Education Fund.

Referred to Committee on Education.

Senate Bill No. 1024: By Senator Jespersen—An act to amend Section 20452 of the Education Code, relating to teacher-training courses and the granting of degrees.

Referred to Committee on Education.

Senate Bill No. 1025: By Senator Jespersen—An act to amend Section 19626 of the Business and Professions Code, relating to the Fair and Exposition Fund and providing for and regulating the appropriation and expenditure of money in said fund.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1026: By Senator Jespersen—An act making an appropriation for permanent improvements at the California State Polytechnic College.

Referred to Committee on Education.

Senate Bill No. 1027: By Senator Jespersen—An act to amend Section 20651 of the Education Code, relating to the California Polytechnic School.

Referred to Committee on Education.

Senate Bill No. 1028: By Senator Jespersen—An act to add Section 2895.1 to the Education Code, relating to the annexation of school districts to union or joint union elementary school districts.

Referred to Committee on Education.

Senate Bill No. 1029: By Senator Jespersen—An act to amend Sections 32004 and 32100 of the Health and Safety Code, and to add Sections 32100.5, 32100.6, 32100.7 to said code, relating to local hospital districts, and declaring the urgency of this act, to take effect immediately.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1030: By Senator Jespersen—An act to make an appropriation to provide housing and equipment for the education of cerebral palsied children.

Referred to Committee on Education.

Senate Bill No. 1031: By Senator Jespersen—An act to amend Section 21604 of the Education Code, relating to state schools for cerebral palsied children.

Referred to Committee on Education.

Senate Bill No. 1032: By Senator Jespersen—An act to add Section 9607.2 to the Education Code, relating to the education of minors with cerebral palsy.

Referred to Committee on Education.

Senate Bill No. 1033: By Senator Jespersen—An act providing for a rehabilitation center for severely handicapped, cerebral palsied, and crippled children and adults, amending Section 5153 of the Education Code, and making an appropriation.

Referred to Committee on Education.

Senate Bill No. 1034: By Senator Jespersen—An act to amend the heading of Article 3 of Chapter 9 of Division 4 and Sections 9651 and 9652 of the Education Code, relating to physically handicapped minors.

Referred to Committee on Education.

Senate Bill No. 1035: By Senator Jespersen—An act to repeal Sections 17252 to 17261, inclusive, of the Education Code, and to add Section 17252 to said code, relating to the education of the deaf.

Referred to Committee on Education.

Senate Bill No. 1036: By Senator Jespersen—An act to repeal Chapter 6 of Division 8 of the Education Code, relating to the compulsory education of the deaf.

Referred to Committee on Education.

Senate Bill No. 1037: By Senator Jespersen—An act making an appropriation for services for physically handicapped children suffering from rheumatic fever and rheumatic heart disease.

Referred to Committee on Social Welfare.

Senate Bill No. 1038: By Senators Regan, Miller, Busch, Sutton, and Johnson—An act to amend Section 4458 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 1039: By Senator Jespersen—An act to add Chapter 5.5, comprising Sections 5650 to 5652, inclusive, to Division 3 of the Education Code, relating to physically handicapped minors, making an appropriation therefor, and declaring the urgency thereof to take effect immediately.

Referred to Committee on Social Welfare.

Senate Bill No. 1040: By Senator Jespersen—An act to amend Section 7044 of the Business and Professions Code, relating to contractors.

Referred to Committee on Business and Professions.

Senate Bill No. 1041: By Senator Jespersen—An act to repeal Sections 465.8 and 465.9 of the Vehicle Code, relating to highway name signs.

Referred to Committee on Transportation.

Senate Bill No. 1042: By Senator Jespersen—An act to amend Section 690.24 of the Code of Civil Procedure, relating to property exempt from execution of judgment in civil actions.

Referred to Committee on Judiciary.

Senate Bill No. 1043: By Senator Salsman—An act to amend Section 14785 of the Education Code, relating to the investment of school district retirement funds.

Referred to Committee on Education.

Senate Bill No. 1044: By Senator Salsman—An act to repeal Sections 1, 2, 2.5, 3, 4, 5, and 21 of the California Airport District Act, to add Sections 1, 2, 3, 4, 5, and 21, and to amend Sections 3.5 and 14 thereof, relating to the formation of airport districts.

Referred to Committee on Transportation.

Senate Bill No. 1045: By Senator Salsman—An act to add Section 10783 to the Revenue and Taxation Code and to amend Section 374 of the Vehicle Code, relating to exemptions of vehicles from certain fees.

Referred to Committee on Transportation.

Senate Bill No. 1046: By Senator Keating—An act to add Section 1144.5 to the Probate Code, relating to estates of five hundred dollars (\$500) or under.

Referred to Committee on Judiciary.

Senate Bill No. 1047: By Senator Keating—An act to amend Section 932 of the Probate Code, relating to accounts of deceased or incompetent executor.

Referred to Committee on Judiciary.

Senate Bill No. 1048: By Senator Keating—An act to amend Section 1144 of the Probate Code, relating to administration by the public administrator of estates of a value not exceeding two hundred dollars (\$200).

Referred to Committee on Judiciary.

Senate Bill No. 1049: By Senator Keating—An act to amend Section 1143 of the Probate Code, relating to summary sale of decedent's effects to defray burial expense.

Referred to Committee on Judiciary.

Senate Bill No. 1050: By Senator Keating—An act to amend Section 1152 of the Probate Code, relating to the duration of authority of public administrators.

Referred to Committee on Judiciary.

Senate Bill No. 1051: By Senator Keating—An act to add Section 1148.5 to the Probate Code, relating to estates of two hundred dollars (\$200) or less.

Referred to Committee on Judiciary.

Senate Bill No. 1052: By Senator Busch—An act to amend Section 20 of the Fish and Game Code, relating to the powers and duties of the Fish and Game Commission.

Referred to Committee on Fish and Game.

Senate Bill No. 1053: By Senator Busch—An act to amend Section 19.6 of the Fish and Game Code, relating to the powers of the Fish and Game Commission.

Referred to Committee on Fish and Game.

Senate Bill No. 1054: By Senator Keating—An act providing for the division of counties into judicial districts and for the determination of the population of said districts, and repealing Sections 27800, 27801, 27802, and 27803 of the Government Code.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1055: By Senator Keating—An act prescribing the regulation, government, procedure and jurisdiction of municipal and justice courts, and providing for the election and appointment of the judges, officers and attaches of such courts, their terms of office, qualifications and compensation.

Referred to Committee on Local Government.

Senate Bill No. 1056: By Senator Keating—An act to amend Sections 89, 112, and 396a, and to repeal Section 81, of the Code of Civil Procedure, relating to municipal and justice courts.

Referred to Committee on Local Government.

Senate Bill No. 1057: By Senator Keating—An act to amend Sections 1425 and 1462 of, and to add Sections 1462.1 and 1462.2 to, the Penal Code, relating to municipal and justice courts.

Referred to Committee on Local Government.

Senate Bill No. 1058: By Senator Keating—An act to amend Sections 1457 and 1463 and to repeal Section 1570 of the Penal Code, and to amend Section 771 of the Vehicle Code, relating to fines and forfeitures.

Referred to Committee on Judiciary.

Senate Bill No. 1059: By Senator Keating—An act to amend Section 77a of the Code of Civil Procedure and Section 1469 of the Penal Code, relating to appeals to superior courts.

Referred to Committee on Judiciary.

Senate Bill No. 1060: By Senator Keating—An act to amend Section 26203 of the Government Code, relating to census.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1061: By Senator Keating—An act to amend Section 144 of the Code of Civil Procedure, relating to courtrooms.

Referred to Committee on Local Government.

Secretary J. A. Beek at the Desk

Senate Bill No. 1062: By Senator Keating—An act to amend Section 1770 of the Government Code, relating to vacancies in office.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1063: By Senator Keating—An act to repeal Sections 159 and 159a of the Code of Civil Procedure, relating to qualifications of justices of the peace.

Referred to Committee on Judiciary.

Senate Bill No. 1064: By Senator Hatfield—An act to amend Section 4 of, and to add Section 19 to, an act entitled "An act relating to the marketing of farm products and to provide for the regulation of the unloading and handling thereof when delivered to markets," approved May 6, 1947, relating to marketing and handling of farm products.

Referred to Committee on Agriculture.

Senate Bill No. 1065: By Senator Hatfield—An act to amend Section 14311 of the Government Code, relating to rating bidders by the Department of Public Works.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1066: By Senator Hatfield—An act to repeal Chapter 8, comprising Sections 1131 to 1136, inclusive, of Part 3 of Division 2 of the Labor Code and to add a new Chapter 8 to Part 3 of

Division 2 of that code, comprising Sections 1131 to 1140, relating to hot cargo and secondary boycotts.

Referred to Committee on Labor.

Senate Bill No. 1067: By Senator Collier—An act to amend Sections 1504, 1510, 1511, 1526, 1527, 1550, 1551, 1552, 1552.5, 1553, 1557, 1559, and 1560 of the Welfare and Institutions Code, to repeal Sections 1512, 1528, 1554, 1555, 1556, and 1556.5 thereof, and to add Section 1554 thereto, relating to aid to needy children, providing for full state administration thereof, eliminating county participation in the administration thereof, and making an appropriation.

Referred to Committee on Social Welfare.

Senate Bill No. 1068: By Senator Collier—An act to amend Sections 3406, 3420, 3430, 3431, 3444, 3450, 3460, 3462.1, 3470, 3471, 3472, 3473, and 3474.5 of the Welfare and Institutions Code, to repeal Sections 3421, 3432, 3461, 3463, 3473.2, 3474, 3474.1, 3480, 3481, and 3482 thereof, and to add Section 3480 thereto, relating to aid to partially self-supporting blind residents, providing for full state administration thereof, eliminating county participation in the administration thereof, eliminating relatives' responsibility, and making an appropriation.

Referred to Committee on Social Welfare.

Senate Bill No. 1069: By Senator Collier—An act to amend Sections 101, 103, 104.5, 104.6, 105.5, 111, and 123 of the Welfare and Institutions Code, to repeal Sections 102, 104, 105, and 106 thereof, and to add Sections 102 and 102.5 thereto, relating to the State Department of Social Welfare, abolishing the Social Welfare Board and transferring its powers, duties, purposes, responsibilities, and jurisdiction to the Director of the Department of Social Welfare, designating the board or committee appointed by the director as the State Social Welfare Board and redefining the powers and duties of the Department of Social Welfare.

Referred to Committee on Social Welfare.

Senate Bill No. 1070: By Senator Desmond—An act to amend Sections 69, 77, and 83 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 1071: By Senator Desmond—An act to amend Section 207 of the Unemployment Insurance Act, relating to unemployment compensation disability benefits and the determination of eligibility therefor.

Referred to Committee on Social Welfare.

Senate Bill No. 1072: By Senator Desmond—An act to add Sections 12266 and 12628 to the Revenue and Taxation Code, relating to annual payments by employers who have a noninsured voluntary plan of unemployment compensation disability insurance approved under Section 451 of the Unemployment Insurance Act.

Referred to Committee on Social Welfare.

Senate Bill No. 1073: By Senator Desmond—An act to add Sections 11, 12, 13, 14, and 15 to an act entitled, "An act to provide for the maintenance of storm drain improvements, and of other water courses or drainage channels; the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts; defining the powers of the board of supervisors and the county surveyor relative to such districts and providing for the levy and collection of taxes to defray the expenses thereof," approved May 11, 1937, and to renumber the existing sections of 11 and 12 of said act, relative to storm drain maintenance districts.

Referred to Committee on Water Resources.

Senate Bill No. 1074: By Senator Desmond—An act to add Section 1021.5 to the Code of Civil Procedure, relating to attorney's fees.

Referred to Committee on Judiciary.

Senate Bill No. 1075: By Senator Desmond—An act to repeal Section 3722 of the Political Code, relating to the organization of river port districts for assessment and taxation purposes.

Referred to Committee on Transportation.

Senate Bill No. 1076: By Senator Desmond—An act to add Sections 12265 and 12627 to the Revenue and Taxation Code, relating to the taxation of contributions paid into the Unemployment Compensation Disability Insurance Fund, and relating to the collection of state taxes.

Referred to Committee on Social Welfare.

Senate Bill No. 1077: By Senator Swing—An act to amend Section 19431 of the Business and Professions Code, relating to the California Horse Racing Board.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1078: By Senator Swing—An act to amend Section 19432 of the Business and Professions Code, relating to reports of the California Horse Racing Board.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1079: By Senator Swing—An act to amend Section 19435 of the Business and Professions Code, relating to witnesses before the California Horse Racing Board.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1080: By Senators Coombs, Hatfield, Gibson, Cunningham, Ward, Kraft, O'Gara, Dilworth, Desmond, Powers, Jespersen, Tenney, and Drobish—An act to add Article 5B to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of said committee and of the Veterans' Welfare Board and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1950.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1081: By Senator Drobish—An act to amend Sections 28478, 28479, and 28480 of the Health and Safety Code, relating to olive oil.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1082: By Senator Dilworth—An act to add Division 12 to the Water Code, thereby revising and consolidating the law relating to county water districts, including provisions for the supervision, regulation, and conduct of such districts, and to repeal certain acts specified herein.

Referred to Committee on Water Resources.

Senate Bill No. 1083: By Senator Dilworth—An act to add Section 30063 to the Water Code, relating to publication of notices in connection with county water districts.

Referred to Committee on Water Resources.

Senate Bill No. 1084: By Senator Dilworth—An act to amend Section 30762 of the Water Code, relating to nominations of county water district directors.

Referred to Committee on Water Resources.

Senate Bill No. 1085: By Senator Dilworth—An act to amend Sections 30295, 30364, 30700, 31406, and 31412 of the Water Code, relating to county water districts and their elections.

Referred to Committee on Water Resources.

Senate Bill No. 1086: By Senator Dilworth—An act to repeal Chapter 6, comprising Sections 30360 to 30365, inclusive, of Part 2 of Division 12, and to amend Sections 30291, 30292, 30294, and 30295, of the Water Code, relating to county water districts, their formation and elections.

Referred to Committee on Water Resources.

Senate Bill No. 1087: By Senator Dilworth—An act to amend Sections 30296, 30365, 30702, 31411, and 32696 of the Water Code, relating to county water districts and the canvass of election returns.

Referred to Committee on Water Resources.

Senate Bill No. 1088: By Senator Dilworth—An act to amend Section 30061 of the Water Code, relating to county water districts.

Referred to Committee on Water Resources.

Senate Bill No. 1089: By Senator Dilworth—An act to add Section 30706 to the Water Code, relating to county water districts.

Referred to Committee on Water Resources.

Senate Bill No. 1090: By Senator Dilworth—An act to add Section 31793.5 to the Water Code, relating to county water districts.

Referred to Committee on Water Resources.

Senate Bill No. 1091: By Senator Dilworth—An act to amend Section 30014 of the Water Code, relating to county water districts.

Referred to Committee on Water Resources.

Senate Bill No. 1092: By Senator Dilworth—An act to amend Section 30528 of the Water Code, relating to county water districts.

Referred to Committee on Water Resources.

Senate Bill No. 1093: By Senator Dilworth—An act to amend Section 30745 of the Water Code, relating to county water districts.

Referred to Committee on Water Resources.

Senate Bill No. 1094: By Senator Dilworth—An act to amend Section 31521 of the Water Code, relating to county water districts.

Referred to Committee on Water Resources.

Senate Bill No. 1095: By Senator Dilworth—An act to amend Section 31861 of the Water Code, relating to county water districts.

Referred to Committee on Water Resources.

Senate Bill No. 1096: By Senator Dilworth—An act to amend Section 32873 of the Water Code, relating to county water districts.

Referred to Committee on Water Resources.

Senate Bill No. 1097: By Senators Busch, Jespersen, and Mayo—An act to amend Section 3352 and to repeal Section 3358.5 and 5704.5 and Chapters 8 and 9 of Part 1 of Division 4 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 1098: By Senator Miller—An act to add Section 768 of the Insurance Code, in relation to prohibiting the designation of particular insurance agents or brokers by persons, firms and corporations loaning money on the security of personal and real property.

Referred to Committee on Financial Institutions.

Senate Bill No. 1099: By Senator Mayo—An act to amend Section 13 of an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights of way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944 as amended (Chapter 47, Statutes of 1944), relating to the submission of plans.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1100: By Senator Mayo—An act to amend Section 23 of the Construction and Employment Act, relating to approval by the State Allocation Board of Assignments of allocations between agencies for the construction of public works.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1101: By Senators Tenney and Desmond—An act to add a new Article 3 to Chapter 5, Page 9, Division 1, of the Revenue and Taxation Code, relating to judicial review of assessments and taxes alleged to be illegal or erroneous and providing procedure for such review.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1102: By Senators Tenney and Desmond—An act to amend Section 451 of the Revenue and Taxation Code, relating to inspection of taxpayers' statements.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1103: By Senators Tenney and Desmond—An act to amend Section 408 of the Revenue and Taxation Code, relating to records in the assessor's office.

Referred to Committee on Revenue and Taxation

Senate Bill No. 1104: By Senators Tenney and Desmond—An act to add a new Section 5138.1 to the Revenue and Taxation Code, relating to payment of taxes under protest.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1105: By Senators Tenney and Desmond—An act to add a new Section 5103.1 to the Revenue and Taxation Code, relating to official waiver.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1106: By Senators Tenney and Desmond—An act to amend Section 5101 of the Revenue and Taxation Code, relating to refunds of taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1107: By Senators Tenney and Desmond—An act to amend Section 4986.2 of the Revenue and Taxation Code, relating to official waiver by cities of right of participation in proceedings for cancellation of illegal and improper taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1108: By Senators Tenney and Desmond—An act to add a new section to be numbered 29 to the Revenue and Taxation Code, relating to computation of penalties.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1109: By Senator Tenney—An act to amend Section 110 of the Revenue and Taxation Code, relating to definition of terms used for taxation purposes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1110: By Senators Rich, Williams, Sutton, Busch, Hatfield, and Hulse—an act to add Chapter 8, comprising Sections 1137 and 1138 to Part 3, Division 2 of the Labor Code, relating to right to work on projects constructed with public funds.

Referred to Committee on Labor.

Senate Bill No. 1111: By Senator Rich—An act to amend Section 13145 of the Government Code, relative to retention of refunds by state agencies.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1112: By Senator Parkman—An act to amend Section 19562 of the Business and Professions Code, relating to horse racing.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1113: By Senator Parkman—An act to amend Section 19480.5 of the Business and Professions Code, relating to the issuance of licenses to conduct horse racing meetings.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1114: By Senator Sutton—An act making an appropriation for the acquisition of a site for the Sacramento River Recreational State Park, and any necessary construction thereon and maintenance thereof.

Referred to Committee on Natural Resources.

Senate Bill No. 1115: By Senator Sutton—An act to provide for the establishment and maintenance of a cross-state trail originating near the junction with the Sierra Trail in the vicinity of the American River in El Dorado County and proceeding to a junction with the Coast and Redwood Trail in Humboldt County, pursuant to the provisions of Article 6, Chapter 1 of Division 5 of the Public Resources Code, relating to riding and hiking trails.

Referred to Committee on Natural Resources.

Senate Bill No. 1116: By Senator Sutton—An act to add Section 14633 to the Education Code, relating to retirement allowances to members of the State Teachers' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1117: By Senator Regan—An act to amend Section 4004 of the Public Resources Code, relating to state fire prevention and suppression.

Referred to Committee on Natural Resources.

Senate Bill No. 1118: By Senator Sutton—An act to amend Section 28143 of the Government Code, relating to compensation for public services in counties.

Referred to Committee on Local Government.

Senate Bill No. 1119: By Senator Abshire—An act authorizing the Director of Finance, with the approval of the Youth Authority, to exchange certain real property in the County of Sonoma, State of California.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1120: By Senator Sutton—An act to repeal Sections 10 and 13 of the Fish and Game Code, and to add Sections 10 and 13 thereto, relating to the creation of a new Fish and Game Commission and defining its powers and duties.

Referred to Committee on Fish and Game.

Senate Bill No. 1121: By Senator Tenney—An act to amend Section 985.2 of, and to add Sections 985.05 and 988.4 to the Military and Veterans Code, relating to the purchase of farms and homes for residents of the State, and making an appropriation.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1122: By Senator Tenney—An act to amend Sections 985.5, 986.3, 986.4, 986.5, and 987 of the Military and Veterans Code, relating to farm and home loans to veterans.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1123: By Senator Tenney—An act adding Sections 100.8 and 100.9 to, and amending Section 101 of, the Streets and Highways Code, relating to Mission Bell Highway markers, and making an appropriation therefor.

Referred to Committee on Transportation.

Senate Bill No. 1124: By Senator Tenney—An act to add Section 18597 to the Government Code, relating to the Registrar of the California Structural Pest Control Board.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1125: By Senator Tenney—An act to make an appropriation to the Regents of the University of California for the conducting at the University of California of research and experimentation to discover and develop the most economical system to produce potable water in large quantities from sea water or other liquids, elements or substances.

Referred to Committee on Agriculture.

Senate Bill No. 1126: By Senator Tenney—An act providing for research in reducing sea water to water suitable for domestic and agricultural uses in mass quantities and at low cost, and making an appropriation therefor.

Referred to Committee on Agriculture.

Senate Bill No. 1127: By Senator Tenney—An act to amend Section 57 of the Unemployment Insurance Act, relating to unemployment benefits.

Referred to Committee on Social Welfare.

Senate Bill No. 1128: By Senator Salsman—An act to amend Sections 2.07, 5.03, and 9.17 of, and to add Sections 3.07 and 9.15a to, the Building and Loan Association Act, relating to the regulation of building and loan associations.

Referred to Committee on Financial Institutions.

Senate Bill No. 1129: By Senator Desmond—An act to validate the formation, organization, boundaries, acts, proceedings and bonds of fire protection districts in unincorporated areas.

Referred to Committee on Local Government.

Senate Bill No. 1130: By Senator Hugh M. Burns—An act to renumber the heading of Division 15 of the Health and Safety Code, relating to venereal disease.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1131: By Senators Hugh M. Burns and Keating—An act to amend Sections 26472 and 26586 of the Health and Safety Code, and to add Section 26606 and 26625 to said code, relating to the California Pure Food Act and its administration.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1132: By Senators Hugh M. Burns and Keating—An act to repeal Section 28292 and to amend Sections 28312, 28313, and to add Section 28340 of the Health and Safety Code, relating to food processing, and the regulation of food containers.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1133: By Senators Hugh M. Burns and Keating—An act to repeal Sections 28214, 28231, and 28232 and to amend 28230 of the Health and Safety Code, relating to bread and its preparation.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1134: By Senators Hugh M. Burns and Keating—An act to repeal Sections 28000 to 28004, inclusive, of the Health and Safety Code and to add Sections 28000, 28001, 28002, 28003, 28004, 28005, 28006, 28007, 28008, 28009, 28010, 28011, 28012, 28013, 28014, and 28015 to said code, relating to horse meat.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1135: By Senator Hugh M. Burns—An act to amend Section 802 of the Agricultural Code, relating to the maturity of grapes.

Referred to Committee on Agriculture.

Senate Bill No. 1136: By Senator Hugh M. Burns—An act to renumber and amend Sections 79.02, 79.03, 79.05, and 79.08; to amend Sections 79.01 and 79.04; to renumber Sections 79.03a, 79.06, 79.07, and 79.09; and to add Sections 79.05, 79.06, and 79.12 to the Civil Code, relating to premarital examinations for syphilis.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1137: By Senator Kraft—An act to amend Section 29001 of the Health and Safety Code, relating to dangerous drugs.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1138: By Senators O'Gara, Miller, and Gibson—An act relating to rural housing, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1139: By Senators O'Gara, Miller, and Gibson—An act to add Section 4.5 of the Housing Cooperation Law, relating to the coordination of, and assistance to, housing projects.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1140: By Senators O'Gara, Miller, and Gibson—An act to amend Section 15000 of, and to add Section 15150 to Chapter 2 of Part 1 of Division 13 of the Health and Safety Code, relating to housing.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1141: By Senators O'Gara, Miller, and Gibson—An act to provide for cooperation by the State in national housing programs.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1142: By Senators O'Gara, Miller, and Gibson—An act to amend Section 2, 3, and 4 and to add Section 4.5 to the Community Land Chest Act, relating to housing of persons of low income, veterans, and others to community redevelopment and to replacement of temporary war housing with permanent housing.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1143: By Senators O'Gara, Miller, and Gibson—An act to add Section 17.5 to the Community Redevelopment Act, relating to the powers and duties of the State Redevelopment Agency in connection with community redevelopment projects.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1144: By Senators O'Gara and Miller—An act relating to public housing and community rehabilitation and redevelopment.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1145: By Senators O'Gara, Miller, and Gibson—An act to provide for housing, prescribing the powers and duties of the State Redevelopment Agency in connection with the emergency housing shortage and community redevelopment, authorizing the issuance and sale of revenue bonds payable from net revenues from housing projects under this act, and making an appropriation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1146: By Senators Dilworth, Jespersen, Williams, Weybret, Donnelly, Watson, Dillinger, Tenney, Sutton, Kraft, McBride, Mayo, Miller, Drobish, Brown, Judah, Dorsey, Michael J. Burns, and Hugh M. Burns—An act making an appropriation for school district public works, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1147: By Senators Dilworth, Jespersen, Williams, Weybret, Donnelly, Watson, Dillinger, Tenney, Sutton, Kraft, McBride, Mayo, Miller, Drobish, Brown, Judah, Dorsey, Michael J. Burns, and Hugh M. Burns—An act making an appropriation for school district public works, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1148: By Senators Dilworth, Jespersen, Williams, Weybret, Donnelly, Watson, Dillinger, Tenney, Sutton, Kraft, McBride, Mayo, Miller, Drobish, Brown, Judah, Dorsey, Michael J. Burns, and Hugh M. Burns—An act making an appropriation for school district public works, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1149: By Senators O'Gara, Miller, and Gibson—An act relating to public housing necessary and incidental to community redevelopment, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1150: By Senators O'Gara, Miller, and Gibson—An act to provide for assistance to communities and public agencies in community redevelopment, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1151: By Senators O'Gara, Miller, and Gibson—An act to provide state aid for housing facilities for veterans and servicemen and their families, and families of deceased persons who served in the armed forces, conferring certain powers on cities, counties, cities and counties, and local housing authorities in connection therewith, providing for the operation and disposition of such facilities, making an appropriation, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1152: By Senators O'Gara, Miller, and Gibson—An act to add Article 8, comprising Sections 1000 to 1000.10, inclusive, to Chapter 6, Division 4 of the Military and Veterans Code, relating to veterans' cooperative and rental housing.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1153: By Senators O'Gara, Miller, and Gibson—An act calling a special election to submit to the electors of California an amendment to the Constitution of the State, proposed by the Legislature, and relating to housing and community redevelopment.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1154: By Senators O'Gara, Miller, and Gibson—An act to amend the Community Redevelopment Act, the State Housing Act, and the Housing Authorities Act, to provide for cooperation between the State of California and the Government of the United States, for the purpose of encouraging construction of housing, stimulating the clearance of slums, and providing adequate housing for veterans and low income families, in accordance with certain bills now pending before the Congress of the United States, and providing for an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1155: By Senators O'Gara, Miller, and Gibson—An act to authorize the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds for the single object of creating a fund to provide for community redevelopment and housing incidental thereto and to supplement loans and grants from the Federal Government, and to assist in the replacement of temporary war housing with permanent housing, defining the powers of certain state officers in relation thereto, providing for the expense of preparing and advertising the sale of such bonds, and providing for the submission of this act to the vote of the people.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1156: By Senators O'Gara and Miller—An act to amend Sections 2, 41, and 69 of the Community Redevelopment Act, relating to the redevelopment of blighted areas in this State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1157: By Senators O'Gara, Miller, and Gibson—An act to add Section 3.5 and 3.6 to the Housing Authorities Law, providing for the coordination of local housing plans incidental to community redevelopment and replacement of temporary war housing, by the State Housing Authority and prescribing the powers and duties of said authority, and expanding said act to include housing for veterans and families of veterans.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1158: By Senators O'Gara, Miller and Gibson—An act to provide for the replacement of temporary war housing with permanent housing, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1159: By Senators O'Gara, Miller, and Gibson—An act relating to community redevelopment and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1160: By Senators O'Gara, Miller, and Gibson—An act relating to state redevelopment and housing, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1161: By Senators O'Gara, Miller, and Gibson—An act to provide for the construction of community redevelopment demonstration projects, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 17: By Senator Keating—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Sections 1 and 11 and repealing Sections 11a and 13 of Article VI thereof, relating to inferior courts.

Referred to Committee on Judiciary.

Senate Constitutional Amendment No. 18: By Senator Swing—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 4 of Article XXIV thereof, relating to exemptions from state civil service.

Referred to Committee on Governmental Efficiency.

Senate Joint Resolution No. 18: By Senator Jespersen—Relative to the Central Valley Project of California.

Referred to Committee on Water Resources.

Senate Constitutional Amendment No. 19: By Senator Kraft—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article IV thereof, relating to initiative measures.

Referred to Committee on Elections.

Senate Constitutional Amendment No. 20: By Senators O'Gara and Miller—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article XXV to said Constitution, relating to housing and community redevelopment.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 21: By Senators O'Gara, Miller, and Gibson—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 14 to Article XVI thereof, relating to the use of the proceeds of bonds issued under the Veterans Bond Act of 1946.

Referred to Committee on Military and Veterans Affairs.

Senate Constitutional Amendment No. 22: By Senator Sutton—Proposed amendment to the Constitution, of said State by amending Section 25½ of Article IV thereof, relating to the Fish and Game Commission.

Referred to Committee on Fish and Game.

Senate Joint Resolution No. 19: By Senators Tenney and O'Gara—Relative to the extension of the repayment period for veterans' housing loans.

Referred to Committee on Military and Veterans Affairs.

MOTION TO READ ASSEMBLY BILL NO. 62 SECOND TIME

Senator Cunningham moved that Assembly Bill No. 62 be read the second time for the purpose of adopting committee amendments.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 62—An act providing for a declaration of a water shortage emergency by the governing body of a distributor of a public water supply, authorizing the regulation and restriction of water deliveries and consumption during a water shortage emergency, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed bill, in line 2, after the word "supply", insert the following " , whether publicly or privately owned and including a mutual water company,".

Amendment No. 2

On page 1 of said bill, in line 8, following the period, insert the following "Excepting in event of a breakage or failure of a dam, pump, pipe line or conduit causing an immediate emergency, such declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against such declaration and to present their respective needs to said governing board. Notice of the time and place of such hearing shall be published once at least seven (7) days prior to the date of such hearing in a newspaper printed, published and circulated within the area in which such water supply is distributed if there be such newspaper, if not, then in any newspaper printed, published and circulated in the county in which such area is located."

Amendment No. 3

On page 1 of said bill, strike out line 16 and insert the following "regard to domestic use, sanitation and fire protection; after allocating and setting aside the amount of water which in the opinion of said governing board will be necessary to supply water needed for domestic use, sanitation and fire protection, such regulations may establish priorities in the use of water for other purposes and provide for the allocation, distribution and delivery of water for such other purposes, without discrimination between consumers using water for the same purpose or purposes;".

Amendment No. 4

On page 2 of said bill, in line 1, following the word "consumers", insert "wilfully".

Amendment No. 5

On page 2 of said bill, in line 10, strike out the period and in lieu thereof insert the following " ; provided, however, that any distributor of water which is subject to regulation by the State Public Utilities Commission shall before making such regulations and restrictions effective secure the approval thereof by said Public Utilities Commission."

Amendment No. 6

On page 2 of said bill, between lines 10 and 11, insert the following "SEC. 4. Nothing herein contained shall be construed to prohibit or prevent review by any court of competent jurisdiction of any finding or determination by a governing board of the existence of an emergency or of regulations or restrictions adopted by such board, pursuant to this act, on the ground that any such action is fraudulent, arbitrary or capricious."

Amendment No. 7

On page 2 of said bill, in line 11, strike out the figure "4" and insert the figure "5".

Amendment No. 8

On page 2 of said bill, in line 21, strike out the words "human consumption" and insert "domestic use".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Dorsey asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 5 at this time for the purpose of amendment.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States in relation to agricultural compositions and extensions under the Federal Bankruptcy Law.

Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

Amendment No. 1

On page 2, lines 13 and 14, of the printed measure, strike out "a permanent part of the law of the United States" and insert "to be extended and for such additional time as may be deemed reasonable by the Congress".

Amendment No. 2

On page 2, lines 15 and 16, strike out "without the necessity of extending the operative effect thereof from time to time" and insert "during the period of such extension".

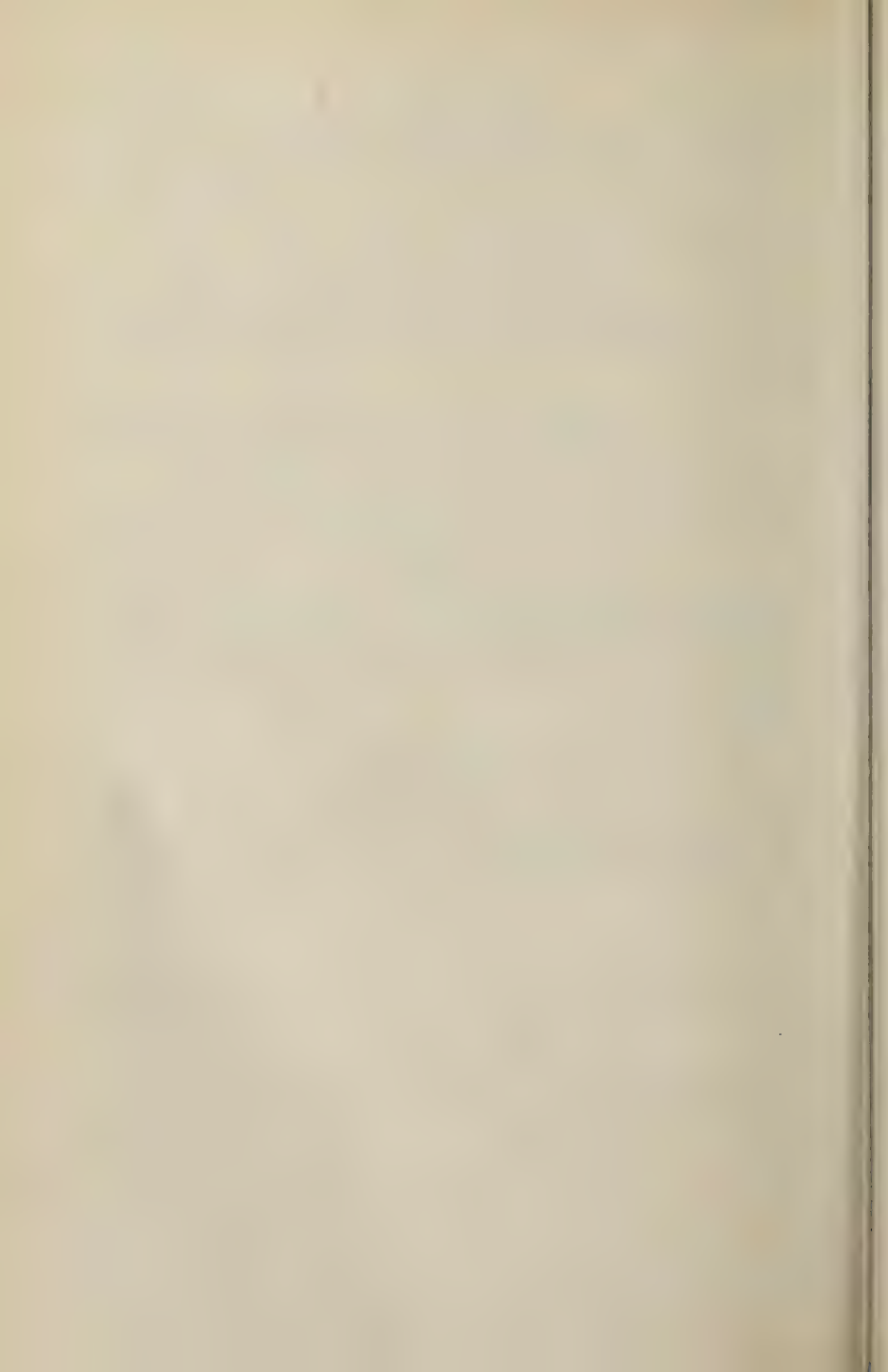
Amendments read, and adopted.

Resolution ordered printed, and to third reading.

ADJOURNMENT

At 12.35 p.m., on motion of Senator O'Gara, the President declared the Senate adjourned until 10.30 a.m., Friday, January 28, 1949, out of respect to the memory of the late Mrs. Mary K. Behrens.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTIETH LEGISLATIVE DAY

TWENTY-SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, January 28, 1949

The Senate met at 10.30 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Mayo, on motion of Senator Powers, due to legislative business.

Senator Williams, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator T. H. DeLap of Richmond.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Tony DeLap, son of former Senator DeLap.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Stan Meyer of Al Tahoe and Ernest Dehs of Los Angeles.

On request of Senators Tenney, Busch, and Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William P. Gray of Los Angeles.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Annie M. Patterson, leader; Mrs. Curtis Sands, Mrs. Henry Boltres, coleaders; Mrs. Annette McLean, committee chairman of the Diablo Valley Area Council and the following Girl Scout Troop 62 Ygnacio Valley; Bonnie Bertinoia, Loretta Boltres, Barbara Carvalho, Wanda Christman, Loretta De Laurenti, Beverly Ebert, Barbara Evans, Marjorie Evans, Delia Garcia, Mary Kanagaki, Marcelene Kiihni, Kay Kuroturi, Molly Kishi, Gretchen Lais, Sharon Lais, Clarisse Le Duc, Irene Lee, Margaret Lee, Frances Meyer, Lorna Michael, Billie Fay Newsom, Frances Sands, Mary Louise Sands, Peggy Sowell, Virginia Vaughan, Patsy Yamamoto.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 801

Assembly Bill No. 802

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 16

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 801—An act to amend Section 420.5 of the Vehicle Code, relating to financial responsibility, and declaring the urgency thereof.

Referred to Committee on Transportation.

Assembly Bill No. 802—An act to amend Sections 419 and 420 of the Vehicle Code, relating to financial responsibility and declaring the urgency thereof.

Referred to Committee on Transportation.

Assembly Joint Resolution No. 16—Relative to memorializing the President and the Congress of the United States in relation to the mooring of surplus vessels in the northern waters of San Francisco Bay and the waters connected therewith.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, January 27, 1949

MR. PRESIDENT: The Committee on Finance, to which was referred:

Assembly Bill No. 645

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

RICH, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS

Senate Bill No. 106—An act to amend Sections 4452, 4453, and 4455 and to repeal Section 4656 of the Labor Code, dealing with workmen's compensation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4455 and to repeal Section".

Amendment No. 2

On page 1 of said bill, strike out lines 1 through 27, inclusive.

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 2 of said bill, strike out lines 1 through 34 inclusive, and insert:

"SECTION 1. Section 4452 of the Labor Code is amended to read:

4452. [Four] *Five* times the average annual earnings shall be taken at not less than [one thousand dollars (\$1,000)] *six thousand and one dollars (\$6,001)* nor more than [seven thousand two hundred dollars (\$7,200)] *sixteen thousand and one dollars (\$16,001)* in disability cases, and in death cases shall be taken at not less than the minimum nor more than the maximum limits as provided in Section 4702 of this code.

SEC. 2. Section 4453 of the Labor Code is amended to read:

4453. In computing average annual earnings, the average weekly earnings shall be taken at not less than [fifteen dollars (\$15)] *twenty-three dollars and eight cents (\$23.08)* nor more than [forty-six dollars and sixteen cents (\$46.16)] *sixty-one dollars and fifty-four cents (\$61.54)*.

(a) Where the employment is for thirty or more hours a week and for five or more working days a week, the average weekly earnings shall be 95 percent of the number of working days a week times the daily earnings at the time of the injury.

(b) Where the employee is working for two or more employers at or about the time of the injury, the average weekly earnings shall be taken as 95 percent of the aggregate of such earnings from all employments computed in terms of one week; but the earnings from employments other than the employment in which the injury occurred shall not be taken at a higher rate than the hourly rate paid at the time of the injury.

(c) If the earnings are at an irregular rate, such as piecework, or on a commission basis, or are specified to be by the week, month, or other period, then the average weekly earnings mentioned in subdivision (a) above shall be taken as 95 percent of the actual weekly earnings averaged for such period of time, not exceeding one year, as may conveniently be taken to determine an average weekly rate of pay.

(d) Where the employment is for less than thirty hours per week, or where for any reason the foregoing methods of arriving at the average weekly earnings cannot reasonably and fairly be applied, the average weekly earnings shall be taken at 95 percent of the sum which reasonably represents the average weekly earning capacity of the injured employee at the time of his injury, due consideration being given to his actual earnings from all sources and employments.

SEC. 3. Section 4656 of the Labor Code is amended to read:

4656. Aggregate disability payments for a single injury causing temporary disability shall not exceed [four] *five* times the average annual earnings of the employee,

nor shall the aggregate disability period for such temporary disability in any event extend beyond two hundred forty weeks from the date of the injury."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 527—An act making an appropriation for the purpose of increasing the salaries of state employees, to be expended during the 1948-49 Fiscal Year, to take effect immediately.

Bill read second time, and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 62—An act providing for a declaration of a water shortage emergency by the governing body of a distributor of a public water supply, authorizing the regulation and restriction of water deliveries and consumption during a water shortage emergency, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Kraft.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolutions were offered:

By Senator Hatfield:

Senate Resolution No. 52

Relative to adjournment in respect to the memory of Frederick L. Esola

On January 26, 1949, in San Francisco, the city he had loved and served so long and well, Frederick L. Esola, at the age of 84 years, came to final rest.

A native of Sutter Creek, Amador County, Frederick L. Esola was educated in the San Francisco schools and entered the police department in 1892, rising to the rank of captain in the decade that dealt with the fierce tong wars of old Chinatown, and saw the installation of the first burglar alarm system in the city.

Withdrawing from police work for a time, Frederick L. Esola returned to it as head of the San Francisco office of the Federal Bureau of Investigation in 1921 until 1924 when he became United States Marshal for Northern California in another decade made famous by the blazing guns of rum runners of the prohibition era.

Resigned as United States Marshal, he was still called upon for counsel in the field in which he had given such magnificent service. It was his recommendation that Alcatraz be used as a federal prison. From 1937 to 1941 he served as a member of the State Board of Prison Terms and Paroles.

A man of great heart and courage, invincible in the performance of his duty, Frederick L. Esola had also that gift for giving and inspiring the deepest friendship. Retired from active duty for many years, he is remembered and deeply mourned by

untold numbers of friends who, in the knowledge of his death, recall in heightened sorrow the vigor and purpose of Frederick L. Esola. Therefore, be it

Resolved, by the Senate of the State of California, That the members of this Senate deeply regret the passing of Frederick L. Esola, first of the G-men and unto the end a loyal and esteemed friend; and be it further

Resolved, That the Secretary of the Senate transmit a suitable copy of this resolution to the widow of Frederick L. Esola, Mrs. Genevieve Esola, as an expression of deep sympathy and esteem; and be it further

Resolved, That when this Senate this day adjourns it do so out of respect to the memory of Frederick L. Esola.

Resolution read, and adopted by rising vote of the following Senators:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—38.

Chief Assistant Secretary Cleve V. Taylor at the Desk

By Senators Ward, Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret:

Senate Resolution No. 53

Commending Mr. Joseph A. Beek, Secretary of the Senate

WHEREAS, It is a matter of considerable gratification to the members of this body that the measure numbered Proposition No. 13 on the November, 1948, ballot, for reapportionment of senatorial representation in this State, was rejected by an overwhelming majority of the voters; and

WHEREAS, Mr. Joseph A. Beek, Secretary of this Senate for many years, devoted a great deal of his time and energy, his wisdom and talents, to the task of reviewing and explaining this measure and bringing its provisions and effect clearly before the people of this State for their full consideration before voting; and

WHEREAS, These efforts of Mr. Beek were undoubtedly instrumental to a large extent in bringing to the attention of the citizens of this State the undesirable and unfortunate results of the adoption of such a measure; now, therefore, be it

Resolved by the Senate of the State of California, That this Senate extends to Mr. Joseph A. Beek its sincere appreciation for his efforts in opposing Proposition No. 13; and be it further

Resolved, That the Minute Clerk of the Senate cause to be prepared a suitably engrossed copy of this resolution to be presented to Mr. Beek as an expression of the great and continued esteem in which he is held by the Members of this Senate.

Resolution was read, and on motion of Senator Ward, was unanimously adopted.

By Senators Ward, Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret:

Senate Resolution No. 54

Commending former Senator Ed Tickle

WHEREAS, During the months preceding the general election of 1948, Ed Tickle of Carmel, formerly a member of this Senate, gave untiring and effective effort to bring before the people of this State the dangers and inequities which would result from the adoption of such a system of senatorial representation as proposed by Proposition No. 13 on the ballot; now, therefore, be it

Resolved by the Senate of the State of California, That this Senate extends to Ed Tickle appreciation and thanks for the time and work which he devoted to defeat of that measure; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Ed Tickle as an expression of the appreciation and esteem of his former colleagues in the Senate of California.

Resolution read, and on the motion of Senator Ward, was unanimously adopted.

By Senator Dorsey:

Senate Resolution No. 55

Relative to the powers of the Senate Standing Committee on Institutions

Resolved by the Senate of the State of California, That the Senate Committee on Institutions is hereby constituted an investigating committee pursuant to Rule 12.5 and Senate Resolution No. 24 of the 1949 Regular Session.

The committee is authorized to act during this session of the Legislature, including any recess, but not after final adjournment, with authority to file a final report not later than the last legislative day of this session.

The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

Resolution read, and referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 27, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Assembly Joint Resolution No. 17

Has had the same under consideration, and reports the same back with the recommendation: Be adopted, and be re-referred to Committee on Labor.

Committee membership 5; committee vote: Ayes 4; absent 1.

POWERS, Chairman

Above reported resolution re-referred to Committee on Labor.

LETTER OF TRANSMITTAL

CALIFORNIA LEGISLATURE, SENATE

January 25, 1949

President of the Senate
California Legislature
Sacramento, California

DEAR SIR: Pursuant to Senate Resolution No. 122, read and adopted June 20, 1947 at the Fifty-seventh Regular Session of the Legislature, the Senate Interim Committee on State and Local Taxation herewith submits a partial report. This report constitutes Part One of a series of reports which the committee contemplates submitting to the Legislature. It is entitled *The Costs of Selected Governmental Services in California: (1) Social Welfare; (2) Public Schools*.

The report submitted herewith begins with a description of the organization adopted and the procedures followed by the committee in the course of its inquiry into state and local fiscal affairs. This description is then followed by three sections: Section One presents a summary of the views and recommendations of the committee; Section Two provides an analysis of the costs of selected social welfare functions; and, Section Three presents an analysis of the costs of public schools in California.

The committee gratefully acknowledges the generous assistance and splendid cooperation of officials of the State Government, officials of many units of local government, and the representatives of many nongovernmental organizations.

Respectfully submitted,

(Signed) BEN HULSE, Chairman
CLARENCE C. WARD, Vice Chairman
HARRY L. PARKMAN
HAROLD J. POWERS
HUGH M. BURNS

Letter of Transmittal ordered printed in the Journal and partial report ordered printed in appendix to the Journal.

Request for Unanimous Consent

Senator Hulse asked for, and was granted, unanimous consent to have 3,500 copies of the partial report of the Senate Interim Committee on State and Local Taxation printed for distribution.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 27, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Senate Joint Resolution No. 9

Senate Joint Resolution No. 15

Senate Joint Resolution No. 10

Senate Joint Resolution No. 17

Senate Joint Resolution No. 11

Assembly Joint Resolution No. 6

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

POWERS, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator Crittenden asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 17, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 17

Senate Joint Resolution No. 17—Relative to memorializing Congress to consider flood control needs in California.

Resolution read, and presented by Senator Crittenden.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kenting, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Watson—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Dillinger asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 15, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 15

Senate Joint Resolution No. 15—Respecting memorializing Congress to enact legislation for the relief of gold mining.

Resolution read, and presented by Senator Dillinger.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, and Weybret—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Powers asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 9, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 9

Senate Joint Resolution No. 9—Relative to funds for the Joint Commission for the Eradication of Foot and Mouth Disease in the Republic of Mexico.

Resolution read, and presented by Senator Powers.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, and Watson—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Powers asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 10, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 10

Senate Joint Resolution No. 10—Relative to the Federal Live-stock Disease Research Laboratory.

Resolution read, and presented by Senator Powers.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Miller, O'Gara, Powers, Regan, Rich, Salsman, Swing, and Watson—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 11, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 11

Senate Joint Resolution No. 11—Relative to memorializing the President and the Congress of the United States in relation to establishing a 10-year experimental range program.

Resolution read, and presented by Senator Hatfield.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Regan, Rich, Salsman, Tenney, and Watson—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Powers asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 6, at this time for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 6

Assembly Joint Resolution No. 6—Relative to California water projects.

Resolution read, and presented by Senator Powers.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Salsman, Sutton, Tenney, and Watson—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States in relation to agricultural compositions and extensions under the Federal Bankruptcy Law.

Resolution read, and presented by Senator Dorsey.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, and Tenney—28.

NOES—Senator Watson—1.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 13—Relative to memorializing the President and the Congress of the United States in relation to establishing parity prices for California products.

Resolution read, and presented by Senator Coombs.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, and Swing—25.

NOES—Senator Watson—1.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 205—An act to add Section 974 to the Municipal Utility District Act, relating to municipal utility districts, declaring the urgency thereof, to take effect immediately.

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-eighth day of January, 1949, at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Joint Resolution No. 11

Senate Joint Resolution No. 17

Senate Joint Resolution No. 15

Senate Joint Resolution No. 9

Senate Joint Resolution No. 10

And reports the same correctly engrossed.

POWERS, Chairman

LETTER OF TRANSMITTAL

SENATE, CALIFORNIA LEGISLATURE
January 28, 1949

To: *The President of the Senate*
The Speaker of the Assembly and other
Members of the Senate and Assembly

The Joint Legislative Committee on Agriculture and Livestock Problems (Senate Concurrent Resolution No. 54, Statutes 1947, Chapter 181, page 3750; and Senate Concurrent Resolution No. 48, Statutes 1948, Chapter 62, page 362), submits the following partial report:

Pursuant to the request of the Assembly Ways and Means Committee, a subcommittee, composed of Assemblyman George A. Clarke, chairman, and Senators Fred Weybret and Earl Desmond, was appointed for the purpose of investigating the agricultural operations set up in Work Orders and in the 1949-50 Budget for the several state institutions in Northern California.

At a meeting of the full committee, held in Sacramento in Room 406 of the State Capitol on January 27, 1949, the general and specific recommendations of the subcommittee were approved, together with the report of the subcommittee.

Your committee herewith submits the report of the subcommittee, together with its recommendations, general and specific, all of which were approved by your full committee.

HATFIELD, Chairman

Letter of Transmittal ordered printed in the Journal and report ordered printed in appendix to Journal.

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to have 300 copies of the partial report of the Northern California Subcommittee on Agriculture and Livestock Problems printed for distribution.

RESOLUTIONS

The following resolution was offered:

By Senator Powers:

Senate Resolution No. 56

Relative to expenses of the Senate

WHEREAS, The Senate has heretofore incurred certain expenses and the Senate and its officers will incur further expenses prior to adjournment and during any recess in conducting the business of the 1949 Regular Session and the performance of duties provided by law, the Standing Rules of the Senate, the Joint Rules, and resolutions adopted by the Senate; now, therefore, be it

Resolved by the Senate of the State of California, That the sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, is hereby made available for expenditure by the Secretary of the Senate pursuant to Standing Rule No. 9.5, out of the money appropriation for contingent expenses of the Senate and allocated to the Committee on Rules, for expenses of the Senate heretofore or hereafter incurred, including expenses for telephone service, telegraph service, supplies, rental of typewriters, illuminating resolutions, traveling expenses and any other incidental expenses in connection with conducting the business of the Senate and performing any duties imposed by law or by the rules or the resolutions of the Senate.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, and Watson—30.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1162: By Senator Rich—An act to amend Section 1415 of the Health and Safety Code, relating to licensing of hospitals.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1163: By Senator Rich—An act to repeal Sections 897 and 898 of the Military and Veterans' Code, abolishing the Veterans' Dependents' Education Fund.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1164: By Senator Swing—An act to amend Section 19482 of the Business and Professions Code, relating to licenses to conduct horse racing meetings.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1165: By Senators Hatfield, Swing, and Parkman—An act to amend Section 19563 of the Business and Professions Code, relating to horse racing.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1166: By Senator Collier—An act making an appropriation for the support of the Legislative Counsel Bureau, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 1167: By Senator Collier—An act making an appropriation for additional support of the Legislative Counsel Bureau during the 1949-1950 Fiscal Year.

Referred to Committee on Finance.

Senate Bill No. 1168: By Senator Collier—An act relating to the fees and charges of title companies and prohibiting rebates thereof.

Referred to Committee on Business and Professions.

Senate Bill No. 1169: By Senator Collier—An act to amend Section 28131 of the Government Code, relative to compensation for public services in counties of the thirty-first class.

Referred to Committee on Local Government.

Senate Bill No. 1170: By Senator Collier—An act providing for the construction of a regulatory dam and making an appropriation therefor.

Referred to Committee on Fish and Game.

Senate Bill No. 1171: By Senator Collier—An act to amend Section 3494 of the Revenue and Taxation Code, relating to the disposition of tax delinquent property.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1172: By Senator Dillinger—An act to add Section 566 to the Vehicle Code, relating to skiing and tobogganing on or across state highways.

Referred to Committee on Transportation.

Senate Bill No. 1173: By Senator Jespersen—An act to amend Section 6 of the Alcoholic Beverage Control Act, relating to privileges granted to licensees thereunder.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1174: By Senator Sutton—An act to amend Section 11207 of the Water Code, relating to the Central Valley project.

Referred to Committee on Water Resources.

Senate Bill No. 1175: By Senator Sutton—An act to amend Section 195 of the Penal Code, relating to excusable homicide.

Referred to Committee on Judiciary.

Senate Bill No. 1176: By Senator Sutton—An act to amend Section 327 of the Revenue and Taxation Code, relating to assessors' maps.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1177: By Senator Collier—An act to amend Section 419, to repeal Sections 420, 420.1, 420.2, 420.3, 420.4, 420.5, 420.6, 420.7, 420.8, and 420.9 and to add Sections 420, 421, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 423, 423.1, and 423.2 of the Vehicle Code, relating to financial responsibility, and declaring the urgency thereof.

Referred to Committee on Transportation.

Senate Bill No. 1178: By Senator Collier—An act to amend Sections 314 and 315 of the Vehicle Code, relating to hearings concerning drivers' licenses.

Referred to Committee on Transportation.

Senate Bill No. 1179: By Senator Collier—An act to amend Section 419 and to repeal Section 420.8 of the Vehicle Code, relating to financial responsibility.

Referred to Committee on Transportation.

Senate Bill No. 1180: By Senator Collier—An act to amend Sections 420.6 and 420.7 of the Vehicle Code, relating to financial responsibility.

Referred to Committee on Transportation.

Senate Bill No. 1181: By Senator Collier—An act to amend Section 420.1 of the Vehicle Code, relating to financial responsibility and declaring the urgency thereof.

Referred to Committee on Transportation.

Senate Bill No. 1182: By Senator Collier—An act to amend Section 420 of the Vehicle Code, relating to financial responsibility and declaring the urgency thereof.

Referred to Committee on Transportation.

Senate Bill No. 1183: By Senator Hugh M. Burns—An act to renumber and amend Sections 21400, 21401, 21403, 21404, 21405, and 21406; to renumber Sections 21042, 21407, 21408, and 21409; and to add Sections 21403, 21404, 21405, 21406, and 21408 of the Health and Safety Code, relating to prenatal syphilitic tests.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1184: By Senator Hugh M. Burns—An act to amend Section 6 and to add Section 59.6 to the Alcoholic Beverage Control Act, relating to license privileges and hours of sale.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1185: By Senator Hugh M. Burns—An act to amend Section 2552 of the Business and Professions Code, relating to the qualifications of dispensing opticians.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1186: By Senator Hugh M. Burns—An act to amend Section 2550 of the Business and Professions Code, relating to dispensing opticians.

Referred to Committee on Business and Professions.

Senate Bill No. 1187: By Senator Hugh M. Burns—An act to amend Sections 7055 and 7059 of, and to add Sections 7058.5 and 7010.5 to, the Business and Professions Code, relating to contractors and regulation of fire protection equipment installation.

Referred to Committee on Business and Professions.

Senate Bill No. 1188: By Senator Hugh M. Burns—An act to amend Section 8506 of the Business and Professions Code, relating to structural pest control.

Referred to Committee on Business and Professions.

Senate Bill No. 1189: By Senator Hugh M. Burns—An act to amend Sections 8505 and 8551 of the Business and Professions Code, relating to structural pest control.

Referred to Committee on Business and Professions.

Senate Bill No. 1190: By Senator Hugh M. Burns—An act to amend Sections 8507 and 8520 of the Business and Professions Code, relating to structural pest control.

Referred to Committee on Business and Professions.

Senate Bill No. 1191: By Senator Hugh M. Burns—An act to amend Section 8568 of the Business and Professions Code, relating to structural pest control.

Referred to Committee on Business and Professions.

Senate Bill No. 1192: By Senator Hugh M. Burns—An act to amend Sections 8635, 8641, 8642, 8644, and 8651 of the Business and Professions Code, relating to structural pest control.

Referred to Committee on Business and Professions.

Senate Bill No. 1193: By Senator Hugh M. Burns—An act to amend Sections 8592 and 8610 of the Business and Professions Code, relating to structural pest control.

Referred to Committee on Business and Professions.

Senate Bill No. 1194. By Senator Hugh M. Burns—An act to amend Section 107 of the Business and Professions Code, relating to the Board of Medical Examiners' Chiropractic Fund.

Referred to Committee on Business and Professions.

Senate Bill No. 1195. By Senator Hugh M. Burns—An act to amend Section 8072 of the Business and Professions Code, relating to structural pest control.

Referred to Committee on Business and Professions.

Senate Bill No. 1196. By Senator Hugh M. Burns—An act to amend Section 8074 of the Business and Professions Code, relating to structural pest control.

Referred to Committee on Business and Professions.

Senate Bill No. 1197. By Senator Hugh M. Burns—An act to amend Section 8073 and to repeal Section 8072 of the Business and Professions Code, relating to the regulation of structural pest control.

Referred to Committee on Business and Professions.

Senate Bill No. 1198. By Senator Hugh M. Burns—An act to amend Sections 8073, 8074, 8075, and 8076 of the Business and Professions Code, relating to structural pest control.

Referred to Committee on Business and Professions.

Senate Bill No. 1199. By Senator Hugh M. Burns—An act to add Section 5711 to the Labor Code, relating to workers' compensation.

Referred to Committee on Labor.

Senate Bill No. 1200. By Senators Hulse, Hugh M. Burns, Ward, Powers, and Patterson—An act to add Section 190.5 to the Revenue and Taxation Code, relating to property taxation.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1201. By Senators Hulse, Hugh M. Burns, Powers, Ward, and Patterson—An act relating to the taxation of mineral or oil rights in and to lands, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1202. By Senators Hulse, Hugh M. Burns, and Powers—An act to amend Sections 1490, 1491, and 1492 of, and to add Section 1490.5 to, the Business and Professions Code, relating to the licensing of teachers in counties.

Referred to Committee on Business and Professions.

Senate Bill No. 1203. By Senators Hulse, Hugh M. Burns, Ward, Powers, and Patterson—An act to amend Section 1407 of the Education Code, relating to quasi-judicial.

Referred to Committee on Elections.

Senate Bill No. 1204: By Senators Hulse, Hugh M. Burns, Ward, Powers, and Parkman—An act to establish a system of old age security through the payment of retirement benefits, creating a Retirement Reserve Fund, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1205: By Senator Hulse—An act to amend Section 28121 of the Government Code, relating to compensation for public services in counties of the twenty-first class.

Referred to Committee on Local Government.

Senate Bill No. 1206: By Senator Hulse—An act to amend Section 737m of the Political Code, relating to salaries of judges of superior courts.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1207: By Senator Hulse—An act to amend Section 6006 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1208: By Senator Hulse—An act to amend Section 17305 of the Revenue and Taxation Code, relating to income taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1209: By Senator Hulse—An act to amend Section 4001 of the Government Code, relating to public work.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1210: By Senator Hulse—An act amending "An act to authorize the State Department of Education to aid and assist in the development and conduct of a program of aviation education inaugurated by the Civil Air Patrol, and making an appropriation therefor," relating to the Civil Air Patrol.

Referred to Committee on Education.

Senate Bill No. 1211: By Senator Hulse—An act to add Sections 650 and 759 to the Revenue and Taxation Code, relating to assessments.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1212: By Senators Hugh M. Burns, Williams, Ward, and Weybret—An act to add Chapter 9 to Part 3 of Division 2 of the Labor Code, defining and prescribing unfair labor practices, including discrimination against persons because of race, creed, color or national origin.

Referred to Committee on Labor.

Senate Bill No. 1213: By Senator Hulse—An act to amend the title of, to amend Sections 1, 2, and 4 of, and to add Section 6 to an act entitled "An act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor," approved April 21, 1911, and making an appropriation.

Referred to Committee on Local Government.

Senate Bill No. 1214: By Senator Dillinger—An act to amend Section 1331 of the Streets and Highways Code, relating to the county road commissioner.

Referred to Committee on Local Government.

Senate Bill No. 1215: By Senator Dillinger—An act to amend Section 19611 of the Education Code, relating to child care centers.

Referred to Committee on Social Welfare.

Senate Bill No. 1216: By Senator Dillinger—An act to amend Section 19390 of the Government Code, relating to the right of state employees entering the military service to be restored to their former position and civil service status upon termination of such military service.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1217: By Senator Dillinger—An act to add Section 500017.5 to the Government Code, repealing an act entitled "An act in relation to clerks in the office of the Secretary of State and to provide for their pay," approved April 14, 1853.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1218: By Senator Dillinger—An act to amend Section 1260 of the Civil Code, relating to homesteads.

Referred to Committee on Judiciary.

Senate Bill No. 1219: By Senator Dillinger—An act to amend Section 3641 of the Corporations Code, relating to the identification of provisions of the articles of incorporation.

Referred to Committee on Judiciary.

Senate Bill No. 1220: By Senator Dillinger—An act to amend Section 8802 of the Health and Safety Code, relating to cemetery associations.

Referred to Committee on Public Health and Safety.

Secretary J. A. Beek at the Desk

Senate Bill No. 1221: By Senator Dillinger—An act to amend Section 4300f of the Political Code, relating to jurors' fees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1222: By Senator Drobish—An act to add Section 873 to the Agricultural Code, relating to canned fruit and vegetables.

Referred to Committee on Agriculture.

Senate Bill No. 1223: By Senator Crittenden—An act to amend Section 24250 of the Water Code, relating to the financial organization of irrigation districts.

Referred to Committee on Water Resources.

Senate Bill No. 1224: By Senator Crittenden—An act to amend Section 22425 of the Water Code, relating to powers and duties of irrigation districts.

Referred to Committee on Water Resources.

Senate Bill No. 1225: By Senator Crittenden—An act to amend Section 21552 of the Water Code, relating to elections in irrigation districts.

Referred to Committee on Water Resources.

Senate Bill No. 1226: By Senator Crittenden—An act to amend Section 227 of the Water Code, relating to power of the Department of Public Works.

Referred to Committee on Water Resources.

Senate Bill No. 1227: By Senator Crittenden—An act to amend Section 226 of the Water Code, relating to power of the Department of Public Works.

Referred to Committee on Water Resources.

Senate Bill No. 1228: By Senator Crittenden—An act to amend Section 104 of the Water Code, relating to the powers of the State over water.

Referred to Committee on Water Resources.

Senate Bill No. 1229: By Senator Crittenden—An act to amend Section 13 of the Construction and Employment Act, relating to types of projects for which allocations to counties under said act may be made.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1230: By Senator Crittenden—An act to amend Sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 46.5, 52, and 54 of the State Water Resources Act of 1945, relating to water resources.

Referred to Committee on Water Resources.

Senate Bill No. 1231: By Senator Crittenden—An act relating to contracts between the United States and districts organized under the laws of California.

Referred to Committee on Water Resources.

Senate Bill No. 1232: By Senator Crittenden—An act relating to provisions of contracts between the United States and districts organized under the laws of California.

Referred to Committee on Water Resources.

Senate Bill No. 1233: By Senator Crittenden—An act to amend Sections 1153 and 1154 of the Agricultural Code, relating to the rendering of services to promote the sale and distribution of the agricultural products of this State, interstate, and foreign markets.

Referred to Committee on Agriculture.

Senate Bill No. 1234: By Senator Crittenden—An act to add Article 8 to Chapter 2 of Part 3 of Division 3 of Title 2 of the Government Code, relating to services to promote the sale of products of the soil produced in this State, creating a Division of Agricultural Trade in the Department of Finance, providing for an Agricultural Trade Advisory Board, prescribing the duties of said division and said board.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1235: By Senator Hatfield—An act to amend Section 1 of an act entitled, "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations and regulating hours on duty," approved March 26, 1895, relating to vacations and hours of duty of members of fire departments.

Referred to Committee on Local Government.

MOTION TO TAKE UP ASSEMBLY BILL NO. 645 FOR CONSIDERATION

Senator O'Gara moved that Assembly Bill No. 645 be given a second reading at this time so that it may be taken up for final passage.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 645—An act to amend Sections 3420 and 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, increasing the amount of the grant thereof, and making an appropriation, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator O'Gara:

Resolved, That Assembly Bill No. 645 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Johnson, Judith, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, and Watson—32.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 645

Assembly Bill No. 645—An act to amend Sections 3420 and 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, increasing the amount of the grant thereof, and making an appropriation, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 645:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, January 26, 1949

*To the Honorable Members of the Senate
Sacramento, California*

GENTLEMEN:

Assembly Bill No. 645, "An act to amend Sections 3420 and 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind

residents, increasing the amount of the grant thereof, and making an appropriation,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

Consideration of this bill is necessary to place the partially self-supporting blind on a parity with the needy blind in accordance with the recent constitutional amendment.

I therefore recommend consideration of Assembly Bill No. 645 as an emergency measure.

Sincerely,

EARL WARREN, Governor

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, and Watson—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, and Watson—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 1236: By Senator Hatfield—An act to repeal Section 24 of, and to add Sections 24 and 24.5 to, the Fish and Game Code, relating to seizure of illegal birds, mammals, or fish.

Referred to Committee on Fish and Game.

Senate Bill No. 1237: By Senator Hatfield—An act to amend Section 1410 of the Fish and Game Code, relating to fines and penalties.

Referred to Committee on Fish and Game.

Senate Bill No. 1238: By Senator Cunningham—An act to amend Section 21828 of the Government Code and Section 428 of the Education Code, relating to compensation for public services in counties of the twenty-eighth class.

Referred to Committee on Local Government.

Senate Bill No. 1239: By Senators Hatfield, Crittenden, Hulse, Collier, Powers, Parkman, Brown, Hugh M. Burns, and Keating—An act to repeal the "Limited Dividend Housing Corporations Act" and the "Community Land Chest Act," relating to housing and redevelopment.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1240: By Senators Hatfield, Crittenden, Hulse, Collier, Powers, Parkman, Brown, Hugh M. Burns, and Keating—An act to add Section 2.1 to the Community Redevelopment Act, relating to housing and redevelopment.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1241: By Senators Hatfield, Crittenden, Hulse, Parkman, Collier, Powers, Brown, Hugh M. Burns, and Keating—An act authorizing the creation of a debt or liability, through the issuance and sale of state bonds, for the single object of creating a loan fund to provide for housing and redevelopment; defining the powers and duties of state and local officers in respect to the administration of the provisions hereof; appropriating money for the expense of preparing and advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the next general election or at a special election to be called by the Governor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1242: By Senators Hatfield, Crittenden, Hulse, Collier, Powers, Parkman, Brown, Hugh M. Burns, and Keating—An act to repeal and reenact Sections 95 and 96 of the Community Redevelopment Act, creating the office of State Housing and Redevelopment Administrator, defining his powers and duties and making an appropriation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1243: By Senator Tenney—An act to add Section 139.62 to the Vehicle Code, relating to the Department of California Highway Patrol, including employees of the California Highway Patrol and the Division of Drivers License Examiners.

Referred to Committee on Transportation.

Senate Bill No. 1244: By Senator Tenney—An act to amend Sections 108 and 139.12 of, and to add Sections 139.17 and 139.18 to, the Vehicle Code, relating to the Division of Drivers' Licenses.

Referred to Committee on Transportation.

Senate Bill No. 1245: By Senator Rich—An act to amend Sections 11371, 11380, 11382.5, 11421, 11422, and 11423 of the Government Code, relating to administrative regulations.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1246: By Senator Rich—An act to amend Section 110.5 of the Business and Professions Code, relating to the Division of Administrative Procedure.

Referred to Committee on Business and Professions.

Senate Bill No. 1247: By Senator Rich—An act to amend Section 1094.5 of the Code of Civil Procedure, relating to the judicial review of administrative decisions.

Referred to Committee on Judiciary.

Senate Bill No. 1248: By Senator Rich—An act to amend Sections 11501 and 11519 of the Government Code, relating to administrative adjudication.

Referred to Committee on Judiciary.

Senate Bill No. 1249: By Senator Salsman—An act making an appropriation to the Department of Public Health to be expended for assistance in the construction of hospital facilities.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1250: By Senator Salsman—An act to add Chapter 8, comprising Sections 5500 to 5656 inclusive, to Part 3, Division 5, of the Health and Safety Code to provide for the formation, organization and operation of sanitation districts within the counties of the State.

Referred to Committee on Local Government.

Senate Bill No. 1251: By Senator Keating—An act to amend Section 185 of the Vehicle Code, relating to transfer without probate.

Referred to Committee on Transportation.

Senate Bill No. 1252: By Senator Keating—An act to amend Section 4730 of the Health and Safety Code, relating to the governing body of a sanitation district.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1253: By Senator Keating—An act to amend Section 701 of the Agricultural Code, relating to containers for milk or milk products.

Referred to Committee on Agriculture.

Senate Bill No. 1254: By Senator Crittenden—An act to add Section 142.5 to the Vehicle Code, relating to implements of husbandry.

Referred to Committee on Transportation.

Senate Bill No. 1255: By Senator Watson—An act to amend Section 480 of the Fish and Game Code, relating to use of explosives.

Referred to Committee on Fish and Game.

Senate Bill No. 1256: By Senators Miller, McBride, Parkman, Judah, Swing, and Hugh M. Burns—An act to add Section 34 to an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights of way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to postwar public works programs and making an appropriation to be allocated to cities incorporated on or after September 19, 1947, and before the effective date of this act.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1257: By Senator Michael J. Burns—An act to amend Section 5001 of the Public Resources Code, relating to the State Park Commission.

Referred to Committee on Natural Resources.

Senate Bill No. 1258: By Senator Michael J. Burns—An act to amend Section 5003 of the Public Resources Code, relating to the State Park System.

Referred to Committee on Natural Resources.

Senate Bill No. 1259: By Senator Michael J. Burns—An act making an appropriation for the compilation, publication and distribution

of a history of the Great Seal of the State of California and of interesting statistical facts and highlights in the history of the State.

Referred to Committee on Finance.

Senate Bill No. 1260: By Senator O'Gara—An act to repeal Section 5 of an act entitled "An act directing the Department of Public Works to construct the approaches to a toll bridge to be built across the Bay of San Francisco from the City and County of San Francisco to the County of Alameda; declaring such toll bridge and approaches to be a state highway; requiring their maintenance and operation by the Department of Public Works; and prescribing the manner in which the cost thereof shall be paid; and providing that this act become effective immediately," approved January 26, 1933, and Section 30606 of the Streets and Highways Code, relating to the operation and maintenance of the San Francisco-Oakland Bay Bridge.

Referred to Committee on Transportation.

Senate Bill No. 1261: By Senator O'Gara—An act to amend Section 6b of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Referred to Committee on Judiciary.

Senate Bill No. 1262: By Senator O'Gara—An act to add Section 274e to the Code of Civil Procedure, relating to phonographic reporters for certain municipal courts; fees.

Referred to Committee on Judiciary.

Senate Bill No. 1263: By Senator O'Gara—An act to add Section 1916 to the Harbors and Navigation Code, relating to the powers of the Board of State Harbor Commissioners for San Francisco, and making an appropriation.

Referred to Committee on Transportation.

Senate Bill No. 1264: By Senator O'Gara—An act to amend Section 1013 of the Code of Civil Procedure, relating to service by mail.

Referred to Committee on Judiciary.

Senate Bill No. 1265: By Senator Rich—An act to amend Section 11502 of the Government Code, relating to administrative adjudication and the qualifications of hearing officers.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1266: By Senator Donnelly—An act to provide for the reorganization of the executive branch of the State Government.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1267: By Senator Donnelly—An act making an appropriation for a study of the need of the reorganization of the executive branch of the State Government.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1268: By Senator Gibson—An act to provide for the acquisition of the old State Capitol Building at Benicia as a state monument, authorizing the City of Benicia to grant such property to the State, providing for the improvement thereof, providing for the use and maintenance thereof by the City of Benicia on behalf of the State, and making an appropriation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1269: By Senator Desmond—An act to amend Section 56 of the Unemployment Insurance Act, relating to trade disputes.

Referred to Committee on Social Welfare.

Senate Bill No. 1270: By Senator Desmond—An act to amend Sections 69, 75, 77, 82, 83, and 90 of the Unemployment Insurance Act, relating to unemployment insurance administration.

Referred to Committee on Social Welfare.

Senate Bill No. 1271: By Senator Desmond—An act to add Section 31553.5 to the Government Code, relating to the membership of elective officers in county retirement associations, and to the rights and privileges of such members.

Referred to Committee on Local Government.

Senate Bill No. 1272: By Senator Desmond—An act to add Section 13167.5 to the Government Code, relating to insuring a picture of George Washington now in the Senate Chamber in the State Capitol.

Referred to Committee on Rules.

Senate Bill No. 1273: By Senator Desmond—An act to amend Section 630 of the Agricultural Code, relating to dried milk and dried milk products.

Referred to Committee on Agriculture.

Senate Bill No. 1274: By Senator Desmond—An act to amend Sections 461, 464, and 464.5 of the Agricultural Code, relating to the serving and sale of market milk.

Referred to Committee on Agriculture.

Senate Bill No. 1275: By Senator Desmond—An act to amend Section 441 of the Agricultural Code, relating to the powers of the Director of Agriculture.

Referred to Committee on Agriculture.

Senate Bill No. 1276: By Senator Desmond—An act to add Section 18 to the Municipal Utility District Act, relating to municipal utility districts.

Referred to Committee on Public Utilities.

Senate Bill No. 1277: By Senator Breed—An act adding Section 12.5 to the State Aeronautics Commission Act, relating to the operation of helicopters and similar aircraft.

Referred to Committee on Transportation.

Senate Bill No. 1278: By Senator Breed—An act to add Section 3332 and to repeal Sections 3259, 3304, and 3304.5 of, the Welfare and Institutions Code, relating to institutions for the blind under the jurisdiction of the Department of Education.

Referred to Committee on Social Welfare.

Senate Bill No. 1279: By Senator Breed—An act to amend Section 5531 of the Public Resources Code, relating to regional park districts.

Referred to Committee on Natural Resources.

Senate Bill No. 1280: By Senator Breed—An act to revise Article 2, Chapter 1, Division 5 of the Public Resources Code by repealing Sections 5020, 5021, 5022, and 5023 to authorize the appointment of an Historical Landmarks Advisory Committee and defining the powers and duties of said committee, the State Park Commission and the Director of Natural Resources with reference to historical buildings and landmarks and geographical names.

Referred to Committee on Natural Resources.

Senate Bill No. 1281: By Senator McBride—An act to repeal Sections 31, 32, 32.5, 33, 34, 766, and 783, Chapter 5 of Part 2, Division 1, comprising Sections 639-750, inclusive, Chapter 7 of Part 2, Division 1, comprising Sections 1800 to 1821, inclusive, and Chapter 8 of Part 2, Division 1, comprising Sections 1831 to 1831.95, inclusive, of the Insurance Code; to amend Sections 703, 750, 751, 755, 758, 760, 760.5, 761, 763, 10771, 10930, 11160, and 12280.2 of the Insurance Code; and to add a new Chapter 5 to Part 2, Division 1 of the Insurance Code; comprising Sections 1620-1791, inclusive; to add a new Chapter 7 to Part 2, Division 1 of the Insurance Code, comprising Sections 1800-1806, inclusive; and to add Section 1780 to the Insurance Code, all relating to insurance and to the licensing and regulation of insurance producers and bail licensees.

Referred to Committee on Financial Institutions.

Senate Bill No. 1282: By Senator McBride—An act to repeal Sections 2071 and 2072 of, to add Sections 2071 and 2072 to, and to amend Sections 2073 and 2074 of, the Insurance Code, relating to insurance and the standard form fire insurance policy.

Referred to Committee on Financial Institutions.

Senate Bill No. 1283: By Senator McBride—An act to add Section 725 to the Insurance Code, relating to the regulation of interlocking directors of insurance companies.

Referred to Committee on Financial Institutions.

Senate Bill No. 1284: By Senator McBride—An act to add Section 10270.96 to the Insurance Code, relating to group disability insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 1285: By Senator McBride—An act to add Article 6.5 to Chapter 1, Part 1, Division 1, of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 1286: By Senator McBride—An act to amend Section 736 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 1287: By Senator McBride—An act to amend Section 1105 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 1288: By Senator McBride—An act to add Article 3 to Chapter 3, Part 3, Division 2, of the Insurance Code, relating to workmen's compensation insurance, to take effect immediately.

Referred to Committee on Labor.

Senate Bill No. 1289: By Senator McBride—An act to amend Section 459 of the Unemployment Insurance Act, relating to unemployment disability insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 1290: By Senator McBride—An act to add Section 310 to the Unemployment Insurance Act, relating to unemployment disability insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 1291: By Senator McBride—An act to amend Section 457 of the Unemployment Insurance Act, relating to unemployment disability insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 1292: By Senator McBride—An act to amend Section 451 of the Unemployment Insurance Act, relating to unemployment disability insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 1293: By Senator McBride—An act to amend Section 203 of the Unemployment Insurance Act, relating to unemployment disability insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 1294: By Senator McBride—An act to amend Sections 150, 201, and 207 of the Unemployment Insurance Act, relating to unemployment disability insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 1295: By Senator McBride—An act to amend the title of Article 6, Chapter 3, Part 2, Division 1, of the Insurance Code; to amend Sections 1282, 1307, 1371, 1374, 1392, 1398, 1400, and 1401 of said code; to repeal Sections 1372, 1373, and 1390 of said code; to renumber and amend Section 1399 of said code; and to add Section 1372 to said code, relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 1296: By Senator Parkman—An act to add Section 55.9 to the Alcoholic Beverage Control Act, relating to credit terms on the sale of alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1297: By Senator Parkman—An act to amend Section 19538 of the Business and Professions Code, relating to horse racing and providing for "charity days."

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1298: By Senator Parkman—An act to amend Section 19511 of the Business and Professions Code, relating to licensing of persons participating in or having to do with the racing of horses.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1299: By Senator Parkman—An act to amend Sections 20025 and 20032 of, and to add Sections 20006 and 20071.5, and Article 4.5 to Chapter 1, Part 1, Division 14 of, the Health and Safety Code, relating to police protection districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1300: By Senators Parkman and O'Gara—An act to add Section 87.1 to the Agricultural Code, relating to district agricultural associations.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1301: By Senators Parkman and O'Gara—An act to amend Section 87 of the Agricultural Code, relating to district agricultural associations.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1302: By Senators Keating and Michael J. Burns—An act to amend Sections 208 and 378 of the Vehicle Code, relating to expiration of special plates and when fees become delinquent.

Referred to Committee on Transportation.

Senate Bill No. 1303: By Senators Keating and Michael J. Burns—An act to amend Section 428 of the Vehicle Code, relating to liens on vehicles.

Referred to Committee on Transportation.

Senate Bill No. 1304: By Senators Keating and Michael J. Burns—An act to amend Section 222 of the Vehicle Code, relating to stolen vehicles.

Referred to Committee on Transportation.

Senate Bill No. 1305: By Senators Keating and Michael J. Burns—An act to repeal Section 154 of the Vehicle Code, relating to registration of vehicles previously registered outside this State.

Referred to Committee on Transportation.

Senate Bill No. 1306: By Senators Keating and Michael J. Burns—An act to amend Section 206 of the Vehicle Code, relating to the issuance of special plates to dealers.

Referred to Committee on Transportation.

Senate Bill No. 1307: By Senator Keating—An act to amend Section 307 of the Vehicle Code, relating to cancellation, suspension, and revocation of license by the department.

Referred to Committee on Transportation.

Senate Bill No. 1308: By Senator Miller—An act to amend Section 415 of the Education Code, relating to the salary of the county superintendent of schools in a county of the fifteenth class.

Referred to Committee on Education.

Senate Bill No. 1309: By Senator Miller—An act to add Section 16439 to the Education Code, relating to safety guards in the public schools.

Referred to Committee on Education.

Senate Bill No. 1310: By Senator Miller—An act to amend Section 1068 of, and to add Sections 1069, 1069.1, 1069.4, 1091.5 to the Fish and Game Code, relating to fish.

Referred to Committee on Fish and Game.

Senate Bill No. 1311: By Senator Dillinger—An act to amend Section 44.2 of the Unemployment Insurance Act, relating to unemployment insurance and refunds of wage-earner contributions.

Referred to Committee on Social Welfare.

Senate Bill No. 1312: By Senator Coombs—An act to amend Section 3480 of the Political Code, relating to special bonds of reclamation districts.

Referred to Committee on Judiciary.

Senate Bill No. 1313: By Senator Busch—An act to amend Section 4300f of the Political Code, relating to jurors' fees.

Referred to Committee on Judiciary.

Senate Bill No. 1314: By Senator Ward—An act to amend Section 4663 of the Labor Code, relating to workmen's compensation and death benefits.

Referred to Committee on Labor.

Senate Bill No. 1315: By Senator Busch—An act to amend Section 405 of the Fish and Game Code, relating to fish and game licenses.

Referred to Committee on Fish and Game.

Senate Bill No. 1316: By Senator Busch—An act to amend Section 800 of the Fish and Game Code, relating to abalones.

Referred to Committee on Fish and Game.

Senate Bill No. 1317: By Senator Busch—An act to amend Section 341 of the Code of Civil Procedure, relating to limitation of actions.

Referred to Committee on Judiciary.

Senate Bill No. 1318: By Senator Busch—An act to amend Sections 20024, 20603, 20750.2, 20950, 20980, 21252.1, 21290.5, 21292, 21295, 21361, and 21363 of the Government Code, and to add Sections 20652.1, 20950.3, 20950.4, 21252.15, 21292.1, and 21366.3 thereto, relating to the State Employees' Retirement System, and providing for status, rights, privileges, contributions, and benefits of patrol members thereof, and for the state contribution thereto in respect to such members.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1319: By Senator Busch—An act to amend Section 7 of, and add Section 57.2 to, the Unemployment Insurance Act, relating to agricultural labor and services for nonprofit organizations.

Referred to Committee on Social Welfare.

Senate Bill No. 1320: By Senators Tenney, Hugh M. Burns, and Hulse—An act to amend Section 61 of the Community Redevelopment Act, relating to community redevelopment projects.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1321: By Senator Judah—An act to add Section 20567.1 to the Government Code, relating to the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1322: By Senators Judah and Coombs—An act to add Section 421 to the Penal Code, relating to unlawful conduct in labor disputes.

Referred to Committee on Judiciary.

Senate Bill No. 1323: By Senator Judah—An act to amend Section 20361 of the Government Code, relating to exclusions from membership in the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1324: By Senator Sutton—An act to add Article 8a to Chapter 4 of Division 8 of the Business and Professions Code, relating to the regulation of commissions deducted from pari-mutuel pools by persons and associations licensed to conduct horse race meetings.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1325: By Senator Dilworth—An act to amend Sections 12752 and 12754 of the Education Code, and to add Section 12752.1 to said code, relating to the revocation of credentials, life diplomas, documents, and certificates authorizing service in the public schools.

Referred to Committee on Education.

Senate Bill No. 1326: By Senator Dilworth—An act to repeal Sections 12041.1 and 12401.1 of the Education Code; to add Sections 12011, 12012, 12105, 12106, 12107, 12401.1, and 12401.2 to said code; and to amend the heading of Article 7 of Chapter 1 of Division 7 of said code, all relating to the authorization of persons to serve in the public schools.

Referred to Committee on Education.

Senate Bill No. 1327: By Senator O'Gara—An act to amend Section 1094.5 of the Code of Civil Procedure, relating to the review of administrative orders or decisions.

Referred to Committee on Judiciary.

Senate Bill No. 1328: By Senator O'Gara—An act to amend Section 1156 of the Harbors and Navigation Code, relating to the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun.

Referred to Committee on Transportation.

Senate Bill No. 1329: By Senator Sutton—An act to add Part 3.5, comprising Sections 11900 to 11957, inclusive, to Division 6 of the Water Code, relating to the construction, operation, and maintenance of systems of works for the conservation, development, distribution, and utilization of water, and the production, distribution, and utilization of electrical energy; creating a State Water Project Authority and defining its duties and powers; providing for cooperation with the United States in constructing and financing the construction of said projects; authorizing any state agency or the State to advance or contribute money or property for the purpose of the act, and providing for the repayment thereof; authorizing the issuance and sale of revenue bonds and providing for the redemption thereof.

Referred to Committee on Water Resources.

Senate Bill No. 1330: By Senators Breed and O'Gara—An act to add Section 450.1 to the California Unemployment Insurance Act, relating to disability insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 1331: By Senator Breed—An act to add Section 11004 to the Elections Code, relating to petitions for the recall of state officers.

Referred to Committee on Education.

Senate Bill No. 1332: By Senator Tenney—An act to amend Section 1462 of the Penal Code, relating to criminal jurisdiction of justices' and municipal courts.

Referred to Committee on Judiciary.

Senate Bill No. 1333: By Senator Tenney—An act establishing the California State Music Project and defining the purpose thereof; authorizing the formation of a musical organization to be known officially as the California State Band; providing for permanent band officers and defining their duties, providing for the presentation and use of the band in concerts and appearances throughout the state and elsewhere; permitting private engagements; permitting special use of the band in publicizing and lending color and attraction to the 1949, and 1950, anniversary celebrations and exercises held throughout the State; creating the California State Band Commission and defining its powers, duties and authority, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1334: By Senator Powers—An act to amend Section 699.5 of the Military and Veterans Code, relating to the powers and duties of the Veterans' Welfare Board in aiding veterans in connection with veterans' rights, privileges, and preferences.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1335: By Senators Desmond and Jespersen—An act to add Part 5A, comprising Sections 1300 to 1392, inclusive, to the Municipal Utility District Act, relating to municipal utility districts.

Referred to Committee on Public Utilities.

Senate Bill No. 1336: By Senator Watson—An act to protect the right to work and to declare the public policy of California with respect to membership or nonmembership in labor organizations as affecting the right to work; to make unlawful and to prohibit contracts or combinations which require membership in labor unions, organizations or associations as a condition of employment; to provide that membership in or payment of money to any labor organization or association shall not be necessary for employment or for continuation of employment and to authorize suits for damages.

Referred to Committee on Labor.

Senate Bill No. 1337: By Senator Dilworth—An act to amend Section 2952 of the Civil Code, relating to the recordation of mortgages and deeds of trust.

Referred to Committee on Judiciary.

Senate Bill No. 1338: By Senator Breed—An act authorizing the sale, exchange or other disposition of certain state property located in Alameda County.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1339: By Senator Rich—An act to amend Section 5241 of, and to add Sections 5267.1 and 5312.1 to, the Business and Professions Code, relating to outdoor advertising.

Referred to Committee on Business and Professions.

Senate Bill No. 1340: By Senator Collier—An act to amend Section 1331 of the Streets and Highways Code, relating to county bridges.

Referred to Committee on Transportation.

Senate Bill No. 1341: By Senator Collier—An act to amend Section 19433 of the Business and Professions Code, relating to the salary of the Secretary of the California Horse Racing Board, and making an appropriation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1342: By Senator Collier—An act to add Section 55.8 to the Alcoholic Beverage Control Act, relating to sales of distilled spirits at wholesale and retail.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1343: By Senator Collier—An act to amend Section 10332 of the Government Code, relating to the California Code Commission.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1344: By Senators Brown and Hulse—An act to repeal Sections 6353, 6354, 6355, 6356, 6358, 6359, 6359.5, 6362, 6363, 6364, 6366, and 6367, and Articles 2 and 3 of Chapter 4 of Part 1 of Division 2, of the Revenue and Taxation Code, relating to sales and use taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1345: By Senators Miller and Johnson—An act to amend Section 212 of the Labor Code, relating to the payment of wages.

Referred to Committee on Labor.

Senate Bill No. 1346: By Senators Keating, Michael J. Burns, Busch, Coombs, Abshire, and O'Gara—An act to add Section 5002.5 to the Public Resources Code, relating to the acquisition of land for state park purposes.

Referred to Committee on Natural Resources.

Senate Bill No. 1347: By Senators Keating, Michael J. Burns, Busch, Coombs, Abshire, and O'Gara—An act to amend Section 5071 of the Public Resources Code, relating to California riding and hiking trails.

Referred to Committee on Natural Resources.

Senate Bill No. 1348: By Senators Keating, Michael J. Burns, Busch, Coombs, Abshire, and O'Gara—An act to amend Section 5003 of the Public Resources Code, relating to the State Park System, the maintenance thereof and facilities therein.

Referred to Committee on Natural Resources.

Senate Bill No. 1349: By Senators Keating, Michael J. Burns, Busch, Coombs, Abshire, and O'Gara—An act relating to a highway construction and improvement program, county and state, including cooperation with the Federal Government in furtherance of the purposes of the Federal-Aid Highway Act of 1948 and the expenditure of Federal-Aid moneys, and making an appropriation for the purposes of this act.

Referred to Committee on Transportation.

Senate Bill No. 1350: By Senator Tenney—An act to amend Section 89 of the Code of Civil Procedure, relating to original jurisdiction of municipal courts.

Referred to Committee on Judiciary.

Senate Bill No. 1351: By Senator Keating—An act to repeal Chapter 1 of Division 5 of Title 1 of the Government Code, relating to public works.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1352: By Senator Desmond—An act to add Section 31553.5 to the Government Code, relating to the membership of elective officers in county retirement associations, and to the rights and privileges of such members.

Referred to Committee on Local Government.

Senate Constitutional Amendment No. 23: By Senator O'Gara—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article VI thereof a new section to be numbered 27, relating to the retirement of judges.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 24: By Senators Hulse, Hugh M. Burns, Ward, Powers, and Parkman—A resolution to propose

to the people of the State of California an amendment to the Constitution of the State, by adding to Article XIII thereof a new section to be numbered 19, relating to reimbursement by the State of counties, cities and counties, and cities for loss of revenue resulting from the exemption of real property from taxation.

Referred to Committee on Revenue and Taxation.

Senate Constitutional Amendment No. 25: By Senators Hulse, Hugh M. Burns, Ward, Powers, and Parkman—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 34a of Article IV thereof, relating to property taxation by the State.

Referred to Committee on Revenue and Taxation.

Senate Constitutional Amendment No. 26: By Senators Hulse, Hugh M. Burns, Ward, Powers, and Parkman—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article IV thereof, relating to initiative measures.

Referred to Committee on Revenue and Taxation.

Senate Constitutional Amendment No. 27: By Senators Tenney, Hugh M. Burns, and Hulse—Proposed amendment to Article IV of the Constitution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 30a to Article IV thereof, relating to public housing projects.

Referred to Committee on Governmental Efficiency.

Senate Concurrent Resolution No. 34: By Senator Judah—Relative to adding Rule No. 18.5 to the Joint Rules of the Senate and Assembly, relating to legislative publications.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 35: By Senator Donnelly—Relative to a Modesto-Yosemite Valley all-year highway.

Referred to Committee on Transportation.

Senate Concurrent Resolution No. 36: By Senators Donnelly, Hatfield, and Crittenden—Relative to a new or improved highway between Stockton and Merced.

Referred to Committee on Transportation.

Senate Joint Resolution No. 20: By Senators Tenney, Hugh M. Burns, Watson, and Sutton—Relative to memorializing the Congress of the United States to modify the classification of items subject to tax as luxuries.

Referred to Committee on Revenue and Taxation.

ADJOURNMENT

At 12.17 p.m., on motion of Senator Hugh M. Burns, the President declared the Senate adjourned until 10.00 a.m., Saturday, January 29, 1949, out of respect to the memory of the late Frederick L. Esola.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-FIRST LEGISLATIVE DAY
TWENTY-SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Saturday, January 29, 1949

The Senate met at 10 a.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:
Senator Mayo, on motion of Senator Judah, due to legislative business.

Senator Swing, on motion of Senator Salsman, due to legislative business.

Senator Gibson, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Michael J. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Paul J. Burns of Eureka.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Edward S. Shattuck of Los Angeles.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Sheila Gill, Donegale, Eire, Ireland.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Stacy H. Smith, Robley Passalacqua, Leandre Pavid, and former Senator John Herald Swan, members of the Sacramento Junior College faculty.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. E. J. Moore of Lakeport.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 295

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Joint Resolution No. 2

Assembly Joint Resolution No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 27

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 13

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 9

Senate Joint Resolution No. 11

Senate Joint Resolution No. 10

Senate Joint Resolution No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 101

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 595

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

Senator Breed Presiding

At 10:10 a.m., Senator Arthur H. Breed, Jr., of the Sixteenth District, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 730

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 52

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 730—An act to add Section 135 to the Welfare and Institutions Code, relating to the compensation of members of the board or committee appointed by the Director of the State Department of Social Welfare, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Assembly Joint Resolution No. 18—Relative to memorializing the President and Congress to have the Mammoth Pass Road in California constructed as a postwar construction project.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 52—Relative to adding Joint Rule No. 6.5 to the Joint Rules of the Senate and the Assembly regarding introduction of bills.

Request for Unanimous Consent

Senator Powers asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 52, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 52

Assembly Concurrent Resolution No. 52—Relative to adding Joint Rule No. 6.5 to the Joint Rules of the Senate and the Assembly regarding introduction of bills.

Resolution read.

MOTION TO RE-REFER ASSEMBLY CONCURRENT RESOLUTION NO. 52

Senator Donnelly moved that Assembly Concurrent Resolution No. 52 be re-referred to Committee on Rules.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 27

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Joint Resolution No. 14

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

REQUEST FOR UNANIMOUS CONSENT

Senator Salsman asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 14, at this time, for consideration of Assembly amendments.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Joint Resolution No. 14—Relative to memorializing the Congress of the United States in relation to repealing the transportation tax.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Joint Resolution No. 14?

Amendment No. 1

On page 1, line 3, of the printed measure, after "a", strike out "10", and insert "15".

The roll was called, and the Senate concurred in Assembly amendment to Senate Joint Resolution No. 14 by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Weybret—26.

NOES—None.

Above resolution ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Joint Resolution No. 5

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **HAROLD F. LEWRIGHT**, Assistant Clerk

REQUEST FOR UNANIMOUS CONSENT

Senator Kraft asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 5, at this time, for consideration of Assembly amendments.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States in relation to changing present federal laws pertaining to the employment security programs of the states, and to providing sufficient funds to permit proper administration of the public employment service and the unemployment insurance programs of the State of California.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Joint Resolution No. 5?

Amendment No. 1

On page 1, line 13, of the printed measure, strike out "entirely", and insert "more"; after "law", insert "many of".

Amendment No. 2

On page 2, line 38, of the printed measure, strike out "ten", and insert "eleven"; strike out "June 30, 1937", and insert "July 1, 1936".

Amendment No. 3

On page 3, line 11, of the printed measure, after "1", insert "Wherever practical", and after "to", insert "more".

Amendment No. 4

On page 3, line 21, of the printed measure, strike out "as first preference", and capitalize "Amend".

Amendment No. 5

On page 3, line 27, of the printed measure, strike out "As a less preferable alternative, enact the bill introduced"; and strike out lines 28, 29 and 30.

The roll was called, and the Senate concurred in Assembly amendments to Senate Joint Resolution No. 5 by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, and Watson—24.

NOES—None.

Above resolution ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Concurrent Resolution No. 26

Senate Concurrent Resolution No. 33

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

REQUEST FOR UNANIMOUS CONSENT

Senator Powers asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 26, at this time, for consideration of Assembly amendments.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 26—Relative to adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 26?

Amendment No. 1

On page 1, line 9, of the printed measure, strike out "eighth" after "twenty-", and insert "ninth".

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 26 by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Combs, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, and Watson—27.

NOES—None.

Above resolution ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT

Senator O'Gara asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 33, at this time, for consideration of Assembly amendments.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 33—Relative to adjournment in respect to the memory of Mrs. Mary K. Behrens.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 33?

Amendment No. 1

On page 41 of the printed measure, strike out all of lines 1 to 21, and insert:

WHEREAS, On January 25, 1949, in the Town of Redding there was taken to her eternal reward, Mrs. Mary K. Behrens, devoted mother of Earl C. Behrens, political editor and correspondent of the San Francisco Chronicle; and

WHEREAS, Mrs. Mary K. Behrens, a native daughter of California, born in the Town of Shasta, Shasta County, of parents who arrived and settled in California during the Gold Rush Days, and up until two years ago was blessed with good health, when she was stricken and became ill, but with courage and determination fought grimly on until the hand of God gently took her to His eternal home at the age of 87 years; and

WHEREAS, Her passing not only leaves grieving hearts in the family household, but sorrow among the citizens of Shasta County, and the many other devoted friends she made and kept in California during her long span of life; now, therefore, be it

Resolved, That as we express our sorrow to Mr. Earl C. Behrens, we also extend to the other members of her family, Mrs. Edna B. Eaton and Ella G. Behrens, both daughters residing in Redding, and Mrs. Julia Glaszer, a sister living in Sebastopol, our heartfelt sympathy in their hours of bereavement, and that when we adjourn this day we do so out of respect to the memory of Mrs. Mary K. Behrens; and be it further

Resolved, That a suitable engrossed copy of this resolution be forwarded to Earl C. Behrens, devoted son of Mary K. Behrens.

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 33 by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Dillinger, Donnelly, Dorsey, Probish, Johnson, Judah, Keating, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney and Watson—25.

NOES—None.

Above resolution ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to take up Senate Bill No. 27, at this time, for consideration of Assembly amendments.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 27—An act to amend Section 3 of the Property Acquisition Act, relating to the acquisition of property by the State in connection with the postwar construction program, declaring the urgency thereof and providing that this act shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 27?

Amendment No. 1

On page 1, line 9, of the printed bill, after "to", insert "(1)".

Amendment No. 2

On page 1, line 10, of said bill, after "nor", insert "(2)".

Amendment No. 3

On page 1, line 12, of said bill, after "nor", insert "(3)".

Amendment No. 4

On page 1, line 15, of said bill, after "requirement", insert "unless it is a part of an area made up of more than one parcel which in total would cost more than five thousand dollars (\$5,000)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 27 by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Cunningham, Dillinger, Donnelly, Dorsey, Jespersen, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, and Watson—27.

NOES—None.

Above bill ordered enrolled.

Speaker Pro Tempore of the Senate Presiding

At 10:28 a.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 15

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **HAROLD F. LEWRIGHT**, Assistant Clerk

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 29, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 106

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Senate Resolution No. 55

Assembly Joint Resolution No. 16

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

POWERS, Chairman

Above reported resolutions ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Dorsey asked for, and was granted, unanimous consent to take up Senate Resolution No. 55, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 55**Senate Resolution No. 55**

Relative to the powers of the Senate Standing Committee on Institutions

Resolved by the Senate of the State of California. That the Senate Committee on Institutions is hereby constituted an investigating committee pursuant to Rule 12.5 and Senate Resolution No. 24 of the 1949 Regular Session.

The committee is authorized to act during this session of the Legislature including any recess, but not after final adjournment, with authority to file a final report not later than March 22, 1949.

The provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate, as soon as such rules are adopted at this session or amended from time to time, become applicable to this committee and its members.

Until the adoption of Joint Rules at this session, the Joint Rules of the last preceding general session are incorporated herein and made applicable to this committee and its members.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, and Watson—25.

NOES—None.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 46

Assembly Concurrent Resolution No. 47

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Concurrent Resolution No. 46—Relative to the Valley of the Moon Scenic Route.

Referred to Committee on Transportation.

Assembly Concurrent Resolution No. 47—Commending the Board of Regents and the President of the University of Washington.

Referred to Committee on Rules.

COMMUNICATIONS

The following communication was received and read and on motion of Senator Hugh M. Burns, ordered printed in the Journal:

RESOLUTION ADOPTED BY THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA, IN CONVENTION SEPTEMBER 4, 1948

Resolution No. 27

Continuance of California State Senate Fact-Finding Committee on Un-American Activities

WHEREAS, The California State Senate Fact-Finding Committee on Un-American Activities, under the chairmanship of our comrade, Senator Jack B. Tenney, has done an outstanding patriotic work in exposing subversive individuals, organizations and groups; and

WHEREAS, Many indictments and convictions of seditious individuals have followed the exposures of the fact-finding committee; and

WHEREAS, The aforesaid legislative committee has recently submitted a very excellent fourth report to the Legislature and the people of California, revealing an amazing scope of activity on the part of the subversive groups in this State; now, therefore, be it

Resolved, By the American Legion, Department of California, in regular convention assembled, this fourth day of September, 1948, that the aforesaid Senate fact-finding committee be commended by The American Legion, Department of California, for their outstanding and patriotic work; and be it further

Resolved, That the Department Commander be instructed to convey to the Governor of California and to the members of the California Legislature that The American Legion, Department of California, requests the continuation of this committee and that adequate and sufficient funds be made available for the work of this committee.

Resolutions to the same general effect were received from the following organizations:

AMVETS Auxiliary Post No. 49, Thousand Oaks; Lee Weiss, President; Mary B. Adams, Chairman Legislative Committee.
 AMVETS Post No. 2, San Diego; Melvin E. Brown, Adjutant.
 Kiwanis Club, Glendale; G. E. Chapman, Secretary.
 Humanity Calls, Inc., Los Angeles; S. M. Kell, President.
 Fire and Police Protective League, Los Angeles; William H. Parker, Chairman.
 Native Sons of the Golden West:
 Parlor No. 272, University; Everett B. Harris, President; Blaine Driscoll, Recording Secretary.
 Parlor No. 11, Modesto; Chas. D. Blaine, Secretary.
 Parlor No. 89, Benicia; William J. O'Brien, President; F. E. Panalacqua, Secretary.
 Rincon Parlor No. 72, San Francisco; Raymond W. Spring, Recording Secretary.
 Parlor No. 306, Beverly Hills; William Gilhohn, Secretary.
 Parlor No. 267, Santa Monica; Robert C. Miller, Recording Secretary.
 Parlor No. 132, Castroville; Arthur L. Weillie, Recording Secretary.
 Grand Parlor, California History Board of N. S. G. W.; Edward J. Lynch, President; Emmett P. Joy, Secretary.

Correspondence to the same general effect was received from the following:

Native Sons of the Golden West:
 Parlor No. 28, Santa Rosa; F. I. Kline, Recording Secretary.
 Parlor No. 14, Humboldt; Ray Stebbins, Secretary.
 Parlor No. 75, Monterey; Nelson W. Hyler, Recording Secretary.
 Parlor No. 93, Ferndale; C. H. Rasmussen, Recording Secretary.
 Parlor No. 298, Cuyamaca; P. S. Thacher, Jr., Recording Secretary.
 Parlor No. 158, Sea Point; Ralph W. Azenedo, President; Francis A. Doyle, Secretary.
 Parlor No. 228, Plumas; E. E. Sikes, President; G. E. Boyden, Secretary; C. E. Young, Treasurer.
 Parlor No. 90, Santa Cruz; Horace Burkett, Recording Secretary.
 Parlor No. 7, Stockton; W. James Robertson, Recording Secretary.
 Parlor No. 42, Bakersfield; Quinn Johnson, Chairman Un-American Activities Committee.
 Parlor No. 157, South San Francisco; Harold J. Regan, Recording Secretary.
 Guejito Parlor No. 301, Escondido; E. E. Turrentine, Secretary.
 William B. Ide Parlor No. 302, Red Bluff; Rawlins C. Offman, Secretary.
 Parlor No. 50, Oakland; F. M. Norris, Recording Secretary.
 Pebble Beach Parlor No. 230, Pescadero; N. P. Matter, Secretary.
 Parlor No. 65, Watsonville; Manuel E. Lawrence, Secretary.
 San Miguel Parlor No. 38, Chula Vista; Ernest L. Kimball, Recording Secretary.
 Parlor No. 277, Montebello; G. Murphy.
 Grand Parlor, San Francisco; Edward J. Lund.
 San Mateo Post No. 53, AMVETS Auxiliary, Redwood City; Nona Turbitt, Secretary.
 Oneonta Park Chapter, Daughters of American Revolution, South Pasadena; Armenia B. Packer, Corresponding Secretary.
 Southern Council, Daughters of American Revolution; Marie Rose Neureger, Assistant State Secretary.
 The Friday Morning Club, Los Angeles; Mrs. George Dunsmoor, Corresponding Secretary.
 American Jewish League Against Communism, Inc., Los Angeles; Max J. Merritt, Executive Director; Morrie Ryskind, Joseph Rosenthal, Robert Richman, Aaron Sapiro, Al Weinberg, Norman Jacoby.
 Armormite Lens Co., Pasadena; Robert Graham, President.
 Altadena Chamber of Commerce, Altadena; R. A. Schulz, President.
 Mrs. Frank P. Williams, Altadena.
 Richard S. Cunliffe, Security Agent, Atomic Energy Commission, New York City.
 Arthur F. Brash, Beverly Hills.

Motion to Approve Journals

Senator Powers moved that the Journals for Monday, January 24, 1949; Tuesday, January 25, 1949; Wednesday, January 26, 1949; Thursday, January 27, 1949; Friday, January 28, 1949, be approved as corrected by the Minute Clerk and the Journal Clerk.

Motion carried.

**CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS**

Assembly Bill No. 59—An act to add Section 11e to the Municipal Court Act of 1925, relative to municipal courts and attaches thereof, to take effect immediately.

Bill read third time, and presented by Senator Keating.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Jespersen, Johnson, Judah, Keating, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Weybret—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Assembly Bill No. 60—An act to amend Section 1 of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, creating a new class of cities to be known as cities of the four and seven-eighths class, and to provide for their organization, to take effect immediately.

Bill read third time and presented by Senator Keating.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Cunningham, Dillinger, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Weybret—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 527—An act making an appropriation for the purpose of increasing the salaries of state employees, to be expended during the 1948-49 Fiscal Year, to take effect immediately.

Bill read third time and presented by Senator Rich.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 527.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 18, 1949

To the Honorable Members of the Senate
Sacramento, California

GENTLEMEN:

Assembly Bill No. 527, "An act making an appropriation for the purpose of increasing the salaries of state employees, to be expended during the 1948-49 Fiscal Year, to take effect immediately,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

This bill makes an appropriation as recommended by the State Personnel Board to grant the third round of salary increases to those employees who were not included in the increase granted other employees effective September 1, 1948.

I therefore recommend consideration of Assembly Bill No. 527 as an emergency measure.

Respectfully submitted,

EARL WARREN, Governor

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Tenney, Ward, Watson, and Weybret—27.

NOES—Senators Abshire and Sutton—2.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 6

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1353: By Senator Powers—An act to amend Sections 5, 6, 7, 8, 11, 11a, 24.5, 24.6, 27b, 49, and 60 of the Alcoholic Beverage Control Act, and to repeal Section 6.8 thereof, relating to alcoholic beverages control.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1354: By Senator Breed—An act to amend Section 184 of the Education Code and Section 3253 of the Welfare and Institutions Code, relating to gifts, donations, bequests, and devises to the Department of Education and to schools, colleges, and other institutions under the jurisdiction of the Department of Education.

Referred to Committee on Education.

Senate Bill No. 1355: By Senator Breed—An act to add Article 6 to Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code,

relating to the sale of products of institutions under the jurisdiction of the Department of Education.

Referred to Committee on Education.

Senate Bill No. 1356: By Senator Breed—An act to add Section 30009 to the Streets and Highways Code, relating to toll bridges and other highway crossings.

Referred to Committee on Transportation.

Senate Bill No. 1357: By Senator Breed—An act to amend Section 19806 of Chapter 5 of Division 8 of the Business and Professions Code, relating to bread.

Referred to Committee on Business and Professions.

Senate Bill No. 1358: By Senator Mayo—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the acquisition of a water works, to take effect immediately.

Referred to Committee on Natural Resources.

Senate Bill No. 1359: By Senator Sutton—An act to amend Section 86 of the Agricultural Code, relating to district agricultural associations.

Referred to Committee on Agriculture.

Senate Bill No. 1360: By Senator Sutton—An act to amend Section 14256 of the Government Code, relating to state contracts.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1361: By Senator Sutton—An act to add Section 19480.1 to the Business and Professions Code, relating to horse racing.

Referred to Committee on Business and Professions.

Senate Bill No. 1362: By Senator Salsman—An act to repeal Section 22048 of the Education Code, relating to the State Library.

Referred to Committee on Education.

Senate Bill No. 1363: By Senator Salsman—An act to amend Section 8783 of the Education Code, relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 1364: By Senator Salsman—An act to repeal Sections 187 to 192, inclusive, 4713, 8161, 9034.1, 16276, 16277, 18058, and 19155, and Article 5 of Chapter 8 of Division 4 of the Education Code; to amend Sections 12142, 13831, 16273, and 18023 of said code; and to amend the headings of Article 3.5 of Chapter 5 of Division 9, Article 9 of Chapter 1 of Division 10, comprising Sections 20221 and 20222, and Chapter 8 of Division 10, comprising Sections 21601 to 21613, inclusive, all relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 1365: By Senator Tenney—An act to add Section 758.5, to amend Sections 758 and 759.1, and to repeal Section 758a of

the Political Code, relating to officers and employees of the district courts of appeal.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1366: By Senator Crittenden—An act to add Chapter 7 to Division 4 of the Water Code, relating to drilling of water wells and the filing of logs thereof.

Referred to Committee on Water Resources.

Senate Bill No. 1367: By Senator Dillinger—An act to amend Section 11001 of the Health and Safety Code, relating to narcotics.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1368: By Senator Rich—An act to amend Sections 6301, 6321, 6501, 6813, 7051, and 7057 of the Public Resources Code, relating to publicly owned lands, including lands owned by the State, by counties, cities, districts, and other public agencies, and including tidelands and submerged lands, beds of navigable rivers and lakes, lands held in a proprietary or sovereign capacity, and other lands, providing for the administration, management, leasing, and disposition thereof, and of the oil and gas and other mineral deposits within or upon such lands.

Referred to Committee on Natural Resources.

Senate Bill No. 1369: By Senator Drobish—An act to provide for research in relation to agricultural labor, establishing a fund for carrying out such research, and making an appropriation.

Referred to Committee on Agriculture.

Senate Bill No. 1370: By Senator Tenney—An act to amend Section 6062 of the Business and Professions Code, relating to attorneys.

Referred to Committee on Business and Professions.

Senate Bill No. 1371: By Senator Tenney—An act to add Article 9 to Chapter 1 of Division 4 of Title 1 of the Government Code, relating to the finger printing of public employees, and making an appropriation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1372: By Senator Tenney—An act to amend Sections 3, 8, and 14 of the Sanitation and Sewer Revenue Bond Act of 1941, so as to authorize municipalities as therein defined to make and perform contracts with industrial establishments for the provision and operation by the municipality of sewerage facilities to abate or reduce the pollution of water by industrial waste and for payments by the industrial establishment to compensate the municipality for providing such sewerage facilities, to authorize the subordination of certain bonds, and so as to authorize municipalities as therein defined to accept grants, contributions or loans from and to enter into contracts and cooperate with and accept cooperation from the United States of America in action preliminary to construction and in the construction, maintenance and operation of any enterprise as therein defined.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1373: By Senator Tenney—An act to amend Sections 5, 7, 12, 18, and 21 of the Sewer District Revenue Bond Act of 1939, so as to authorize the subordination of certain bonds, to extend the permissive maturities of bonds to forty years, to authorize contracts with industrial establishments for the provision and operation by the sewer district of sewerage facilities to abate or reduce the pollution of water by industrial waste, and so as to authorize sewer districts to accept grants and loans from and to enter into contracts and cooperate with the United States of America in action preliminary to construction and in the construction, maintenance, and operation of sewerage works or improvements.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1374: By Senator Tenney—An act to add Section 29032 to the Health and Safety Code, relating to dangerous drugs,
Referred to Committee on Public Health and Safety.

Senate Bill No. 1375: By Senator Tenney—An act to pay the claim of the State Farming Co., Inc. against the State of California.

Referred to Committee on Finance.

Senate Bill No. 1376: By Senator Dilworth—An act making an appropriation for the construction and equipment of buildings for a liberal arts college on the campus of the University of California at Riverside.

Referred to Committee on Education.

Senate Bill No. 1377: By Senator Abshire—An act to amend Section 11000 of the Business and Professions Code, relating to real estate subdivisions.

Referred to Committee on Business and Professions.

Senate Bill No. 1378: By Senator Abshire—An act making an appropriation to the Department of Agriculture for maintenance of highway inspection station for fruits, nuts, and vegetables.

Referred to Committee on Agriculture.

Senate Bill No. 1379: By Senator Abshire—An act to add Section 7.5 to an act entitled "An act to provide for the organization, government, powers and functions of flood control and flood water conservation districts," approved June 8, 1931, relating to eminent domain.

Referred to Committee on Water Resources.

Senator Salsman Presiding

At 11.05 a.m., Senator Byrl R. Salsman of the Eighteenth District, presiding.

Senate Bill No. 1380: By Senator Abshire—An act to amend Sections 4902, 4911, 4912, 4920, and 4966 of the Education Code, relating to the unification of school districts.

Referred to Committee on Education.

Senate Bill No. 1381: By Senator Abshire—An act to amend Sections 4902.1, 4917.1, 4918, 4919.1, 4961, 4961.1, 4962, and 4963 of the Education Code, relating to the reorganization of school districts.

Referred to Committee on Education.

Senate Bill No. 1382: By Senator Abshire—An act to amend Section 4901 of the Education Code, relating to the reorganization of school districts.

Referred to Committee on Education.

Senate Bill No. 1383: By Senator Abshire—An act to amend Section 4941 of the Education Code, relating to the reorganization of school districts.

Referred to Committee on Education.

Senate Bill No. 1384: By Senators Abshire and Busch—An act to add Section 1.5 to an act entitled "An act to provide for the organization, government, powers, and functions of flood control and flood water conservation districts," approved June 8, 1931, relating to flood control, conservation and utilization of water, and providing for the uniting of parts of two or more counties in the construction and operation of works of flood control, water conservation, and the use and distribution of water.

Referred to Committee on Water Resources.

Senate Bill No. 1385: By Senator Regan—An act to amend Section 737aaa of the Political Code, relating to compensation of judges of the superior court.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1386: By Senator Regan—An act to amend Section 737ss of the Political Code, relating to compensation of judges.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1387: By Senator O'Gara—An act to amend Section 257 of the Vehicle Code, relating to drivers licenses of minors.

Referred to Committee on Transportation.

Senate Bill No. 1388: By Senator O'Gara—An act to add Section 1690.5 to the Harbors and Navigation Code, relating to the San Francisco Bay Port Authority.

Referred to Committee on Transportation.

Senate Bill No. 1389: By Senator O'Gara—An act to amend Section 951.5 of the Fish and Game Code, relating to nets.

Referred to Committee on Fish and Game.

Senate Bill No. 1390: By Senator Weybret—An act to amend Section 3301.6 of the Health and Safety Code, relating to hospitalization and treatment of persons suffering from tuberculosis.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1391: By Senator Weybret—An act to add Section 3300.4 to the Welfare and Safety Code, relating to acquisition of

necessary facilities to care for county nonresident persons suffering from tuberculosis, and making an appropriation.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1392: By Senator Weybret—An act to amend Section 3301.5 of the Health and Safety Code, relating to the hospitalization and treatment of tuberculosis patients.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1393: By Senator Weybret—An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the County of Monterey, State of California.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1394: By Senator Watson—An act to amend Sections 6, 16, 50, 51, and 66 of the Orange County Water District Act, relating to powers, duties and compensation of the board of directors of, inclusion of lands in, and exclusion of lands from, the Orange County Water District.

Referred to Committee on Water Resources.

Senate Bill No. 1395: By Senator Watson—An act to amend Section 411 of the Education Code, relating to the salary and credential of the county superintendent of schools of a county of the eleventh class.

Referred to Committee on Education.

Senate Bill No. 1396: By Senator Weybret—An act to amend Section 6006.5 of the Revenue and Taxation Code, relating to the application of sales and use taxes to occasional sales.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1397: By Senator Coombs—An act to amend Section 1020.1 of the Probate Code, relating to assignments and transfers of an interest in the estate of a decedent by heirs, devisees and legatees.

Referred to Committee on Judiciary.

Senate Bill No. 1398: By Senator Tenney—An act to amend Sections 11535, 11552, 11554, 11555, 11593, and 11612 of, the Business and Professions Code, relating to real estate subdivisions, procedure for surveying, subdividing and mapping of real estate; the sale and disposal of real estate by reference to maps; regulating the powers and duties of cities, counties and towns with reference to the procedure for surveying, subdividing and mapping of real estate, and the preparation of official maps; and prescribing penalties for violations thereof.

Referred to Committee on Business and Professions.

Senate Bill No. 1399: By Senator Tenney—An act to add Section 16271.1 to the Education Code, relating to transportation of pupils.

Referred to Committee on Education.

Senate Bill No. 1400: By Senator Brown—An act to amend Section 5227 of, and to add Section 5227 to, the Business and Professions Code, relating to outdoor advertising.

Referred to Committee on Business and Professions.

Senate Bill No. 1401: By Senators O'Gara, Regan, and Keating—An act to amend Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts and municipal courts," approved July 1, 1937, relating to retirement of judges.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1402: By Senator Johnson—An act to amend Sections 1815 and 1816 of the Education Code, relating to candidates for office of school trustees.

Referred to Committee on Education.

Senate Bill No. 1403: By Senator Collier—An act to amend Section 5418 of the Health and Safety Code, relating to sewage disposal.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1404: By Senator Collier—An act to amend Sections 19485 and 19597 of the Business and Professions Code, relating to horse racing and state revenues therefrom.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1405: By Senator Collier—An act to amend Section 28154 of the Government Code, relating to compensation for public services in counties of the fifty-fourth class.

Referred to Committee on Local Government.

Senate Bill No. 1406: By Senator Johnson—An act to add Section 631.3 to the Code of Civil Procedure, relating to jury fees.

Referred to Committee on Judiciary.

Senate Bill No. 1407: By Senator Salsman—An act to provide for leasing additional facilities and service for the extension, maintenance and operation of the teletypewriter system of communication by the State Department of Justice and to make an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1408: By Senator Collier—An act to amend Sections 30601 and 30602 of the Streets and Highways Code, relating to the San Francisco-Oakland Bay Bridge.

Referred to Committee on Transportation.

Senate Bill No. 1409: By Senators Jespersen and Ward—An act to add Section 7.6 to the California Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Social Welfare.

Senate Bill No. 1410: By Senator Jespersen—An act to amend Sections 6051 and 6201 of, and to repeal Section 6359 of, the Revenue and Taxation Code, relating to the support of state government, and for that purpose providing for an increase in sales and use taxes and for expenditure of the proceeds from the increase pursuant to Section 10 of Article XXV of the Constitution, abolishing the exemption of food products from said taxes, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1411: By Senator Jespersen—An act making an appropriation to the Department of Public Works for the purpose of replacing certain mission bells on El Camino Real.

Referred to Committee on Transportation.

Senate Bill No. 1412: By Senator Gibson—An act to authorize a suit against the State of California to quiet title to certain land in the County of Solano.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1413: By Senator Gibson—An act authorizing the commencement and prosecution of an action to quiet title to certain tidelands in the County of Solano.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1414: By Senator Gibson—An act to amend Sections 21155, 21155.1, 21156, 21157, and 21158 of the Education Code, relating to the State Nautical School.

Referred to Committee on Education.

Senate Bill No. 1415: By Senator Gibson—An act authorizing and directing the Division of Beaches and Parks of the Department of Natural Resources to acquire a site for, and construct, a replica of the old State Capitol Building at Vallejo, and making an appropriation.

Referred to Committee on Natural Resources.

Senate Bill No. 1416: By Senator Sutton—An act to amend Section 7304 of the Revenue and Taxation Code, relating to motor vehicle fuel taxes.

Referred to Committee on Transportation.

Senate Bill No. 1417: By Senator Dilworth—An act to amend Section 8764 of the Education Code, relating to the public school system.

Referred to Committee on Education.

Senate Bill No. 1418: By Senator Dilworth—An act to add Section 171e to the Civil Code, relating to the management and control of community property.

Referred to Committee on Judiciary.

Senate Bill No. 1419: By Senator Michael J. Burns—An act to amend Section 420.1 of the Vehicle Code, relating to security following accident.

Referred to Committee on Transportation.

Senate Bill No. 1420: By Senator Michael J. Burns—An act to amend Section 425 of the Education Code, relating to the salary and credential of the county superintendent of schools of a county of the twenty-fifth class.

Referred to Committee on Education.

Senate Bill No. 1421: By Senator Breed—An act to amend Section 10037 of the Government Code, relating to the California Code Commission and legislative committees on revision of the law.

Referred to Committee on Judiciary.

Senate Bill No. 1422: By Senator Parkman—An act making an appropriation for the acquisition of land in San Mateo County for a "California Veterans' Memorial Park."

Referred to Committee on Natural Resources.

Senate Bill No. 1423: By Senator Hugh M. Burns—An act to amend Section 2541 of, and to add Section 2542 to, the Elections Code, relating to the office of Director of the Department of Social Welfare.

Referred to Committee on Elections.

Senate Bill No. 1424: By Senator Hugh M. Burns—An act to add Article 9 to Chapter 2, Part 1, Division 1, of the Health and Safety Code, relating to cancer and other chronic diseases, providing for a chronic disease program and establishing the Advisory Chronic Disease Council.

Referred to Committee on Public Health and Safety

Senate Bill No. 1425: By Senator Hugh M. Burns—An act to provide an appropriation for the chronic disease program of the State Department of Public Health.

Referred to Committee on Public Health and Safety

Senate Bill No. 1426: By Senator Hugh M. Burns—An act to amend Sections 5097 and 5132 of the Business and Professions Code, relating to the State Board of Accountancy.

Referred to Committee on Business and Professions.

Senate Bill No. 1427: By Senator Hugh M. Burns—An act to amend Sections 3896 and 3897 of, and to repeal Article 13, comprising Sections 3741 to 3750, inclusive, of Chapter 11 of Division 2 of, the Education Code, relating to the organization of the high school districts.

Referred to Committee on Education.

Senate Bill No. 1428: By Senator Dorsey—An act to amend Section 511.1 of the Vehicle Code, relating to speed laws.

Referred to Committee on Transportation.

Senate Bill No. 1429: By Senator Hugh M. Burns—An act to add Article 11, comprising Sections 20621 and 20622, to Chapter 2 of Division 10 of the Education Code, relating to state college police.

Referred to Committee on Education.

Senate Bill No. 1430: By Senator Keating—An act to repeal Articles 5 and 6 of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code and Section 480 of the Penal Code, as added by Chapter 833, Statute of 1945, relating to the powers and duties of the Attorney General.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1431: By Senator Judah—An act to amend Sections 7621, 7622, 7623, 7624, 7650, 7654, 7691, 7692, 7720, and 7721 of the Labor Code; to amend and renumber Section 7722 of said code and to enact a new Section 7722; to renumber Section 7723 and to enact a new Section 7723; to renumber Section 7724 of said code; all relating to regulation of and inspection of tanks and boilers.

Referred to Committee on Labor.

Senate Bill No. 1432: By Senator Judah—An act to amend Sections 8560, 8651, Business and Professions Code, relating to structural pest control.

Referred to Committee on Business and Professions.

Senate Bill No. 1433: By Senator Judah—An act to amend Sections 8505, 8506, 8521, 8522, 8525, 8531, 8533, 8554, 8560, 8561, 8562, 8564, 8565, 8567, 8568, 8569, 8570, 8571, 8572, 8592, 8610, 8620, 8632, 8637, 8638, 8639, 8640, 8641, 8644, 8648, 8651, Business and Professions Code, relating to structural pest control.

Referred to Committee on Business and Professions.

Senate Bill No. 1434: By Senator McBride—An act to amend Article 8, Section 19597 of the Business and Professions Code, relating to horse racing and wagering.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1435: By Senator Breed—An act to amend Section 75 of the Community Redevelopment Act, relating to eminent domain proceedings.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1436: By Senator McBride—An act to amend Section 330.24 of the Civil Code, relating to mutual water companies.

Referred to Committee on Water Resources.

Senate Bill No. 1437: By Senators McBride and Salsman—An act to amend Section 4300f of the Political Code, relating to jurors fees.

Referred to Committee on Local Government.

Senate Bill No. 1438: By Senator McBride—An act to add Section 2080 to the Code of Civil Procedure, relating to admissibility of evidence.

Referred to Committee on Judiciary.

Senate Bill No. 1439: By Senator McBride—An act relating to education, providing for the Aeronautical Education of the Youth of California, assisting in the financing of flight experience, establishing an

aviation education program, repealing all acts inconsistent herewith, and making an appropriation therefor.

Referred to Committee on Education.

Senate Bill No. 1440: By Senator McBride—An act to amend Section 499b to, and to add Section 499c to the Penal Code, relating to the theft or unlawful operation or taking of aircraft.

Referred to Committee on Judiciary.

Senate Bill No. 1441: By Senator McBride—An act to add Section 614 to the Penal Code, relating to injuring and tampering with aircraft.

Referred to Committee on Judiciary.

Senate Bill No. 1442: By Senator McBride—An act to add Section 54.5 to the Civil Code, relating to liability of personal injuries to or death of guest in aircraft.

Referred to Committee on Judiciary.

Senate Bill No. 1443: By Senator McBride—An act to add Section 1714.6 to the Civil Code, relating to flight of aircraft.

Referred to Committee on Judiciary.

Senate Bill No. 1444: By Senator McBride—An act to amend Sections 10202 and 10210 of the Insurance Code, relating to group life insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 1445: By Senator McBride—An act to amend Section 10159.2 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 1446: By Senator Busch—An act to add Section 16312 to the Government Code, relating to state funds.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1447: By Senator Busch—An act to amend Section 211 of the Code of Civil Procedure, relating to grand juries.

Referred to Committee on Judiciary.

Senate Bill No. 1448: By Senator Regan and Cunningham—An act to add Section 459.6 to the Vehicle Code, relating to the powers of local authorities.

Referred to Committee on Transportation.

Senate Bill No. 1449: By Senator Powers—An act to amend Section 28140 of the Government Code, relating to compensation for public services in counties of the fortieth class.

Referred to Committee on Local Government.

Senate Bill No. 1450: By Senator Powers—An act to amend Section 28144 of the Government Code, relating to compensation for public services in counties of the forty-fourth class.

Referred to Committee on Local Government.

Senate Bill No. 1451: By Senator Powers—An act to amend Section 28149 of the Government Code, relating to compensation for public services in counties of the forty-ninth class.

Referred to Committee on Local Government.

Senate Bill No. 1452: By Senator Powers—An act to add Section 519 to the Streets and Highways Code, relating to state highways.

Referred to Committee on Transportation.

Senate Bill No. 1453: By Senators Rich, Busch, Salsman, Judah, Keating, Jespersen, and Dilworth—An act to amend Section 17053.5 of the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1454: By Senators Rich, Busch, Salsman, Judah, Dillinger, Keating, Jespersen, Ward, and Dilworth—An act to impose a state tax on cigarettes and to provide for the licensing of retailers, manufacturers, wholesalers, vending machine operators, unclassified acquirers and transportation companies in relation to cigarettes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1455: By Senators Rich, Busch, Salsman, Judah, Dillinger, Keating, Jespersen, and Ward—An act to amend Sections 19485 and 19597 of the Business and Professions Code, relating to horse racing license fees and commissions.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1456: By Senators Rich, Busch, Salsman, Judah, Dillinger, Jespersen, Ward, and Dilworth—An act to amend Sections 6051 and 6201 of the Revenue and Taxation Code, relating to the sales and use taxes and the rates thereof and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1457: By Senators Rich, Salsman, Judah, Dillinger, Keating, Jespersen, and Dilworth—An act to amend Section 24 of the Alcoholic Beverage Control Act, relating to alcoholic beverages and providing for an excise tax upon distilled spirits, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1458: By Senators Rich, Busch, Salsman, Judah, Keating, Jespersen, Ward, and Dilworth—An act to amend Section 4a of the Bank and Corporation Franchise Tax Act, relating to the levy and collection of taxes upon banks, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1459: By Senator Desmond—An act to amend Section 16047 of the Government Code, relating to suits against the State.

Referred to Committee on Judiciary.

Senate Bill No. 1460: By Senator Desmond—An act to add Section 19b to the Penal Code, relating to prisoners, authorizing county sheriffs to transfer prisoners in county jails to industrial road camps.

Referred to Committee on Judiciary.

Senate Bill No. 1461: By Senator Desmond—An act to add Section 8967 to the Health and Safety Code, relating to cemeteries.

Referred to Committee on Local Government.

Senate Bill No. 1462: By Senator Desmond—An act to add Chapter 4 to Division 4 of the Elections Code, relating to propositions submitted at district elections.

Referred to Committee on Elections.

Senate Bill No. 1463: By Senator Desmond—An act to amend Section 91 of the Streets and Highways Code, relating to the Department of Public Works.

Referred to Committee on Transportation.

Senate Bill No. 1464: By Senator Desmond—An act to amend Section 100.1 of the Streets and Highways Code, relating to freeways.

Referred to Committee on Transportation.

Senate Bill No. 1465: By Senator Desmond—An act to amend Section 149 of the Streets and Highways Code, relating to mass transportation.

Referred to Committee on Transportation.

Senate Bill No. 1466: By Senators Kraft and Keating—An act to add Section 13080 to the Government Code, relating to powers and duties of the Director of Finance.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1467: By Senator Kraft—An act to amend Section 11628 and 11655 of the Business and Professions Code, relating to maps.

Referred to Committee on Business and Professions.

Senate Bill No. 1468: By Senator Kraft—An act to amend Section 9.5 of the Municipal Court Act of 1925, relating to compensation of officials of the municipal court.

Referred to Committee on Local Government.

Senate Bill No. 1469: By Senator Kraft—An act to amend Section 9.3 of the Municipal Court Act of 1925, relating to the constitution of the court and to compensation of officials.

Referred to Committee on Local Government.

Senate Bill No. 1470: By Senator Kraft—An act to add Section 1105.9 to the Agricultural Code, relating to egg-breaking establishments.

Referred to Committee on Agriculture.

Senate Bill No. 1471: By Senator Donnelly—An act to add Section 372.1 to the Vehicle Code, relating to registration fees.

Referred to Committee on Transportation.

Senate Bill No. 1472: By Senator Busch—An act amending Section 28134 of the Government Code, relating to salaries of officers.

Referred to Committee on Local Government.

Senate Bill No. 1473: By Senators Donnelly and Crittenden—An act relating to the acquisition of property in connection with the California War Memorial Park in Calaveras and Tuolumne Counties, making an appropriation therefor, and declaring the urgency thereof.

Referred to Committee on Natural Resources.

Senate Bill No. 1474: By Senator Donnelly—An act to amend Section 22500 and 22503 of the Water Code, relating to disposition of irrigation district real property.

Referred to Committee on Water Resources.

Senate Bill No. 1475: By Senator Donnelly—An act relating to political subdivisions and districts, and the sale of property thereby.

Referred to Committee on Local Government.

Senate Bill No. 1476: By Senator Miller—An act to amend Sections 25, 26, 221, 951, 2600, 2609, 2621, 2636, 2699, 2701, 2703, 2740, 2839, 2842, 2843, 3920, 3921, and 3946; to enact Sections 2634, 2635, 2705, 2740.1, 2791, 2792, 2793, 2811, 2812, 2813, 2901 to 2907 inclusive, 3922.5, and 3928.5; to repeal Sections 2634, 2635, 2702, 2705, 2791 to 2806 inclusive, and 2811 to 2825 inclusive, and Chapter 3 of Division 5, and to renumber Chapter 4 of Division 5 of the Elections Code, relating to the dates of the primary election, the method by which candidates are nominated in the primary election and qualify to appear on the general election ballot, and the election, organization and functions of political party conventions and county central committees.

Referred to Committee on Elections.

Senate Bill No. 1477: By Senator Miller—An act to amend Section 66e of the Code of Civil Procedure, relating to the number of judges of the Superior Court in Contra Costa County.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1478: By Senator Miller—An act to amend Sections 5631 and 5658 of the Public Resources Code, relating to park, recreation and parkway districts.

Referred to Committee on Natural Resources.

Senate Bill No. 1479: By Senator Tenney—An act to add Section 1032.2 to the Code of Civil Procedure, relating to costs in actions to recover possession of personal property.

Referred to Committee on Judiciary.

Senate Bill No. 1480: By Senator Drobish—An act to add Section 12128.1 to, and to add Article 12, comprising Sections 10220 to 10223, inclusive, to Chapter 1 of Division 5 of the Education Code, relating to education in family relations.

Referred to Committee on Education.

Senate Bill No. 1481: By Senator Drobish—An act to add Section 2210.1 to the Education Code, relating to powers of governing boards of school districts.

Referred to Committee on Education.

Senate Bill No. 1482: By Senator Drobish—An act to add Chapter 2.5, comprising Sections 18120 to 18122, inclusive, to Division 9 of the Education Code, relating to plans for school buildings, and making an appropriation.

Referred to Committee on Education.

Senate Bill No. 1483: By Senator Drobish—An act to amend Sections 18191 and 18195 of the Education Code, relating to construction or alteration of school buildings.

Referred to Committee on Education.

Senate Bill No. 1484: By Senator Rich—An act to amend Sections 12440 and 16002 of the Government Code, relating to presentation of claims against the State and drawing warrants therefor.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 28: By Senator Sutton—Proposed amendment to Article XXIV of the Constitution, relative to proposing to the people of the State of California an amendment to the Constitution of said State, by amending Section 4 of Article XXIV thereof, relating to exemptions from state civil service.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 29: By Senator Keating—Proposed amendment to the Constitution of the State, by amending Section 21 of Article V thereof, relating to the Attorney General.

Referred to Committee on Governmental Efficiency.

REQUEST FOR UNANIMOUS CONSENT

Senator Miller asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 16, at this time, for consideration.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Joint Resolution No. 16—Relative to memorializing the President and the Congress of the United States in relation to the mooring of surplus vessels in the northern waters of San Francisco Bay and the waters connected therewith.

Resolution read, and presented by Senator Miller.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Drobish, Jespersen, Johnson, Judah,

Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Weybret—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 50

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Concurrent Resolution No. 50—Relative to the restoration and operation of Mission San Antonio de Padua.

Request for Unanimous Consent

Senator Weybret asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 50, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 50

Assembly Concurrent Resolution No. 50—Relative to the restoration and operation of Mission San Antonio de Padua.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, and Weybret—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolutions were offered:

By Senator Brown:

Senate Resolution No. 57

Resolved, That all attaches and employees of the Senate, except the Secretary of the Senate, be stricken from the pay roll of the Senate upon the completion of work Saturday, January 29, 1949.

Resolution read, and on motion of Senator Brown, adopted.

By Senator Brown:

Senate Resolution No. 58

WHEREAS, Various Members of the Senate will desire to have shipped to their various places of residence their bill files and other printed matter for use during the constitutional recess; therefore, be it

Resolved, That the Sergeant-at-Arms of the Senate be authorized to procure such boxes, packing and other material as is necessary for the purpose of shipping same properly packed to said members, and the State Controller is hereby authorized to draw his warrant on the Contingent Expense Fund of the Senate in favor of the Sergeant-at-Arms, in an amount not to exceed two hundred fifty dollars (\$250), and the State Treasurer is hereby authorized to pay the same. The Sergeant-at-Arms is further

directed to submit all vouchers for expenditures made by him pursuant to this resolution to the Senate Committee on Rules for audit, and to file the same with the Controller.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Donnelly, Hatfield, Holse, Jaspersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Tenney, Ward, and Weybret—27.

NOES—None.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Concurrent Resolution No. 7

And respectfully requests your honorable body to concur in said amendment.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **H. F. LEWRIGHT**, Assistant Clerk

REQUEST FOR UNANIMOUS CONSENT

Senator Powers asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 7, at this time, for consideration of Assembly amendments.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 7 Relative to Joint Rules of the Senate and Assembly committees and committee meetings.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 7?

Amendment No. 1

On page 15 of the printed measure, strike out lines 43 to 51, inclusive; and strike out lines 1 to 8, inclusive, on page 16, and insert

"Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is in session, and shall be referred to the committee for action if the Legislature is not in session.

The committee has a continuing existence and may meet, act, and conduct its business at any place within the State, during sessions of the Legislature or any recess thereof, and in the interim period between sessions.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate membership shall consist of the President pro Tempore of the Senate, the Chairman of the Committee on Rules and three members appointed by the Committee on Rules. The Assembly members of the committee shall consist of the Speaker, the Chairman of the Assembly Committee on Rules and three other members of the Assembly appointed by the Speaker."

Amendment No. 2

On page 14, line 22, of said measure, after "necessary", insert "The duties of the Legislative Auditor shall be as follows:

(1) To ascertain the facts and make recommendations to the Budget Committee and under their direction to the committees of the Legislature concerning:

(a) State Budget.

(b) Revenues and expenditures of the State.

(c) The organization and functions of the State, its departments, subdivisions and agencies.

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Auditor under the direction of the Legislative Budget Committee and to keep and make available all documents, data, and reports submitted to him by any Senate, Assembly or joint committee."

Amendment No. 3

On page 15 of said measure, strike out lines 16 through 25, and insert

"The Legislative Auditor with the consent of the committee shall make available to such members or committees any records, documents or other data under his control or shall secure and provide any information falling within the scope of his employment or which concerns the administration of the Government of the State of California. But, except as hereinabove provided, neither the Legislative Auditor or any employee of the committee shall reveal to any person not a member of or employed by the committee the contents or nature of any matter or the author of any request, except with the permission of the committee or legislator making such request, or under the express direction of the Legislative Budget Committee.

"The Legislative Auditor upon the receipt of a request from any committee or Member of the Legislature, shall at once secure the consent of the committee without disclosing the nature of the request or the name of the requestor to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requestor or committee or legislator that he is authorized to provide the information, and shall inform the committee or legislator the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requestor. In the event the committee refuses such authorization, he shall inform such requestor forthwith."

Amendment No. 4

On page 17, lines 16 and 17 of the printed resolution as amended in the Assembly on January 28, 1949, strike out the words "the Chairman of the Committee on Rules and three", and insert in lieu thereof "and four".

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 7 by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drabish, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, McBride, Miller, Powers, Regan, Rich, Salsman, Sutton, Ward, and Weybret—27.

NOES—None.

Above resolution ordered enrolled.

RESOLUTIONS

The following resolutions were offered:

By Senator Brown:

Senate Resolution No. 59

Resolved, That the Secretary of the Senate be and he is hereby ordered and directed to procure and distribute, during the constitutional recess and subsequent thereto, for the use of the Members of the Legislature, a complete and comprehensive Legislative Manual or Handbook similar to such publications of previous sessions, same to contain list of members and officers of both houses of the Legislature, lists of committees and rules of both houses and Joint Rules, together with indexes to the same; also to procure for the use of Members of the Legislature a Semi-Final Calendar containing a history of all bills introduced to date, together with a complete index and cross-index to the same, to be printed and distributed during the constitutional recess, and the Controller is hereby ordered and directed to draw his warrant on the Contingent Fund of the Senate in favor of the Secretary of the Senate in the sum of fifteen hundred dollars (\$1,500) to pay for such Handbook and Semi-Final Calendar, including services rendered in preparation and distribution thereof, and the Treasurer is hereby ordered and directed to pay the same. The cost of printing shall be charged to the Legislative Printing Fund. The Secretary of the Senate is further directed to submit all vouchers for expenditures made by him pursuant to this resolution to the Senate Committee on Rules for audit, and to file the same with the Controller.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Coombs, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Miller, Powers, Regan, Rich, Salsman, Sutton, Ward, and Weybret—24.

NOES—None.

By Senator Brown :

Senate Resolution No. 60

WHEREAS, The Legislature of the State of California assembled in the 1949 General Session will be at recess from January 29, 1949 to March 7, 1949; and

WHEREAS, It will be necessary for the Secretary of the Senate during such period of recess to conduct the business of the Senate and perform the duties provided by law, the Standing Rules of the Senate and resolutions adopted by the Senate and to employ certain necessary assistants incident thereto; therefore, be it

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants in favor of the Secretary of the Senate and in favor of officers and employees who render services to the Senate as certified weekly by the Secretary and approved by the Chairman of the Committee on Rules from the fund set aside for the pay of officers and employees of the Senate at the per diem provided by resolution of the Senate or as certified by the Secretary, and the Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Michael J. Burns, Coombs, Crittenden Cunningham, Desmond, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Miller, Powers, Regan, Rich, Salsman, Sutton, Ward, and Weybret—24.

NOES—None.

RECESS

At 12.15 p.m., on motion of Senator Powers, the Senate recessed until 2.50 p.m.

REASSEMBLED

At 2.50 p.m., the Senate reconvened.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the Desk

MESSAGES FROM THE ASSEMBLY

At 2.50 p.m., a committee from the Assembly consisting of Messrs. Geddes, Babbage, and Rumford appeared at the bar of the Senate, and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared to adjourn for the constitutional recess.

LETTER OF TRANSMITTAL

SENATE, CALIFORNIA LEGISLATURE, January 29, 1949

To: *The President and Members of the State Senate*

The Speaker and Members of the State Assembly

Your Joint Interim Legislative Committee on Agriculture and Livestock Problems, created by Senate Concurrent Resolution No. 54, Chapter 5, Statutes 1947, herewith transmits Report Number 882—Number 1 prepared by the Research and Statistics Section and Farm Placement Service of the Department of Employment, State of California, on the Labor Requirements for California Crops, Major Seasonal Operations, based on estimated acreages and production as of 1947.

Because of a reduced budget granted the California State Department of Employment by the Federal Government this report has not been printed. Because of the valuable statistical information therein contained, your Joint Interim Legislative Committee on Agriculture and Livestock Problems is presenting this report as a partial report of the committee.

These statistics continue the studies by the Agricultural Extension Service of the University of California for the years 1943 through 1946 and contained in previous reports of this committee. It is necessary that this material be printed to preserve the historical and record value of the previous and present reports.

At a later date, the committee will submit a complete report in some detail and with appropriate charts and illustrations, including this material and the committee's findings covering its investigations, discussions, conclusions and recommendations on farm labor recruitment, placement and related subjects in 1948.

Respectfully submitted,

HATFIELD, Chairman

Letter of Transmittal ordered printed in the Journal and report ordered printed in appendix to the Journal.

Request for Unanimous Consent

Senator Hatfield asked for, and was granted, unanimous consent to have 1,500 copies of the partial report of the Joint Interim Legislative Committee on Agriculture and Livestock Problems re "FARM LABOR" printed for distribution.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 1485: By Senator Ward—An act to amend Sections 52 and 53 of the Water Conservation Act of 1931, relating to water conservation districts.

Referred to Committee on Water Resources.

Senate Bill No. 1486: By Senator Hulse—An act to provide means to prevent or eliminate pollution of surface or underground waters, creating the Sanitation Fund in the State Treasury, and a State Sanitation Projects Board, and making an appropriation.

Referred to Committee on Water Resources.

Senate Bill No. 1487: By Senator Hulse—An act to create the Old Age and Blind Security Fund in the State Treasury, to transfer certain moneys thereto, and to raise revenue for and to make all moneys in said fund available for expenditure to meet the appropriation made by Section 10 of Article XXV of the Constitution before other money is available therefor.

Referred to Committee on Social Welfare.

Senate Bill No. 1488: By Senator Ward—An act to amend Section 737pp of the Political Code, relating to the compensation of superior court judges in and for the County of Santa Barbara.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1489: By Senator Ward—An act to amend Section 28118 of the Government Code, relating to compensation for public services in counties of the eighteenth class.

Referred to Committee on Local Government.

Senate Bill No. 1490: By Senator Ward—An act to amend Section 1020.1 of the Probate Code, relating to assignments and transfers of an interest in the estate of a decedent by heirs, devisees, and legatees.

Referred to Committee on Judiciary.

Senate Bill No. 1491: By Senator Ward—An act to add Article 3.5 to Part 3, Division 2, Title 3, of the Government Code, relating to the county controller.

Referred to Committee on Local Government.

Senate Bill No. 1492: By Senator McBride—An act to amend Sections 2, 27, 28, and 30 of the Water Conservation Act of 1927, relating to the power and authority of water conservation districts.

Referred to Committee on Water Resources.

Senate Bill No. 1493: By Senators Perlman, Hagel, M. Burns, Collier, Ward, Busch, Jutah, and Weyant—An act to add Part 10 to Division 2 consisting of Sections 20001 to 20201, inclusive, to the Revenue and Taxation Code, relating to the imposition of a license fee or tax on the distribution of motion picture film.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1494: By Senators Sutton, Gibson, O'Gara, Dilworth, Coombs, Busch, Tenney, Desmond, and Dorsey—An act to amend Section 295 of the Military and Veterans Code, relating to absence of public officers and employees on military or naval duty; compensation and salary during absence on military or naval leave; attendance at drills, camps, and exercises; performance of duty during insurrection or emergency; private supplies and restoration to positions.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1495: By Senators Sutton, O'Gara, Dilworth, Tenney, Coombs, Busch, Desmond, and Dorsey—An act to amend Sections 125, 127, 324, 325, 369, 397, 398, 419, 612, and 615 of the Military and Veterans Code and to amend Section 718c of the Civil Code, relating to the military forces of the State, including the exemption from military service, the detail of federal officers for service with the National Guard or Naval Militia, the detail of officers for special duty and waiver of part of compensation, performance of emergency service, the performance of military duty on election day, the passage of the National Guard through toll bridges and on ferries, the declaration of places as "off limits," the leasing of property owned by a municipality for a term not to exceed fifty years for military or armory purposes, the colors and standards of organizations of the National Guard, the delivery of the colors to members of the family of a deceased member of the National Guard, the use of the National Flag, and assignment of command.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1496: By Senators Sutton, O'Gara, Dilworth, Tenney, Coombs, Busch, Desmond, and Dorsey—An act to amend Sections 101, 102, 103, 148, 360, 361, 452, 453, 454, 455, 456, 457, 458 of the Military and Veterans Code, relating to the adoption of federal laws and customs in the control of the militia, the adoption of the federal Articles of War, the adoption of rules and regulations for the control of the militia, the adoption of the federal system of discipline, the convening and jurisdiction of courts-martial, the approval of sentences and disposition of records, courts of inquiry, and bad-conduct discharges.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1497: By Senators Sutton, O'Gara, Dilworth, Coombs, Tenney, Busch, Desmond, and Dorsey—An act to amend Sections 163, 164, 167, 168, 175, 180, 187, 223, 224, 252, and 253 of, and to add Section 212 to, the Military and Veterans Code, relating to the military forces of the State.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1498: By Senators Sutton, O'Gara, Tenney, Dilworth, Coombs, Busch, Desmond, and Dorsey—An act to amend Sections 502.1, 511.5, and 516.1 of the Military and Veterans Code, relating to the California Cadet Corps.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1499: By Senators Sutton, O'Gara, Tenney, Dilworth, Coombs, Busch, Desmond, and Dorsey—An act to add Section 650 to the Military and Veterans Code, relating to the acquisition, design, award and distribution of an appropriate certificate or suitable acknowledgment of the sacrifice made by the family of deceased members of the California National Guard who died while in active federal service during World War II and making an appropriation therefor.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1500: By Senators Sutton, O'Gara, Tenney, Dilworth, Dorsey, Coombs, Busch, and Desmond—An act to amend Section 718c of the Civil Code, relating to the lease of property owned by a municipality for a term not to exceed fifty years for military or armory purposes.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1501: By Senators Sutton, O'Gara, Tenney, Dilworth, Coombs, Busch, Desmond, and Dorsey—An act to add Section 212 to the Military and Veterans Code, relating to the inactive National Guard and to amend Sections 163, 164, 168, 175, 180, 187, 212, and 223 of the Military and Veterans Code, relating to the duties of the Adjutant General, the organization of the Office of the Adjutant General, the duties of personnel in the Office of the Adjutant General, the requisition of federal assistance, the responsibility for and purchase of military property and preparation of returns thereof, and the acquisition of security bonds.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1502: By Senators Sutton, O'Gara, Dilworth, Coombs, Busch, Desmond, Dorsey, and Tenney—An act to amend Sections 101, 102, 103, 148, 360, 361, 452, 453, 454, 455, 456, 457, 458 of the Military and Veterans Code, relating to the adoption of federal laws and customs in the control of the militia, the adoption of the federal Articles of War, the adoption of rules and regulations for the control of the militia, the adoption of the federal system of discipline, the convening and jurisdiction of courts-martial, the approval of sentences and the disposition of records, courts of inquiry, and bad-conduct discharges.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1503: By Senators Sutton, O'Gara, Dilworth, Tenney, Dorsey, Coombs, Busch, and Desmond—An act to add Section 650 to the Military and Veterans Code, relating to the acquisition, design, award and distribution of an appropriate certificate or suitable acknowledgment of the sacrifice made by the family of deceased members of the California National Guard who died while in active federal service during World War II and making an appropriation therefor.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1504: By Senators Sutton, O'Gara, Tenney, Dilworth, Dorsey, Coombs, Busch, and Desmond—An act to amend Sections 125, 127, 325, 369, 397, 398, 439, 612, and 615 of the Military and Veterans Code, relating to exemption from military service, the detail of federal officers for service with the National Guard or Naval Militia, the performance of military duty on election day, the passage of the National Guard through toll bridges and on ferries, the declaration of places as "off limits," the leasing of property owned by a municipality for a term not to exceed fifty years for military or armory purposes, the colors and standards of organizations of the National Guard, the delivery of the colors to members of the family of a deceased member of the National Guard, and the use of the National Flag, assignment of command.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1505: By Senators Sutton, O'Gara, Dilworth, Coombs, Busch, Tenney, Desmond, and Dorsey—An act to amend Sections 502.1, 511.5, and 516.1, of the Military and Veterans Code, relating to the commissioning and discharge of commandants of the California Cadet Corps, the appointment of an executive officer, an assistant executive officer and regional supervisors of cadet instruction for the California Cadet Corps, the furnishing of equipment and clothing to members of the California Cadet Corps, and the conduct of annual cadet encampments.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1506: By Senator Sutton—An act to amend Section 327 of the Revenue and Taxation Code, relating to description of land for assessment purposes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1507: By Senator Sutton—An act to amend Section 3476a of the Political Code, relating to reclamation district assessments.

Referred to Committee on Water Resources.

Senate Bill No. 1508: By Senator Sutton—An act to add Section 10.7 to the County Highway Aid Act of 1945, relating to the expenditure of moneys for highways.

Referred to Committee on Transportation.

Senate Bill No. 1509: By Senator Williams—An act to add Section 2620 to the Revenue and Taxation Code, relating to payments to taxing agencies.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1510: By Senator Williams—An act to amend Section 27200 of the Government Code, relating to duties of county recorders.

Referred to Committee on Local Government.

Senate Bill No. 1511: By Senator Williams—An act to add Section 139.41 to the Vehicle Code, relating to the guarding of school crossings by members of the California Highway Patrol.

Referred to Committee on Transportation.

Senate Bill No. 1512: By Senator Rich—An act to amend Section 28139 of the Government Code, relating to compensation for public service.

Referred to Committee on Local Government.

Senate Bill No. 1513: By Senators Hugh M. Burns and Hatfield—An act to amend Section 378 of the Vehicle Code and 10854 of the Revenue and Taxation Code, relating to vehicle fees.

Referred to Committee on Transportation.

Senate Bill No. 1514: By Senator Hulse—An act to amend Sections 1901 and 1902, and to add, Section 1902.5 to the Revenue and Taxation Code, relating to the equalization of state assessed property in cities.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1515: By Senator Brown—An act to amend Section 6016 of the Revenue and Taxation Code, relating to sales and use taxes, including extension of the term "tangible personal property" as used for the purpose of such taxes to include time and facilities for radio and television broadcasts.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1516: By Senator Hulse—An act relating to sanitary districts including the issuance of revenue bonds for the financing thereof.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1517: By Senator Keating—An act to provide for the operation and maintenance by the State of the Golden Gate Bridge, and for the incorporation thereof into the State Highway System.

Referred to Committee on Transportation.

Senate Bill No. 1518: By Senators Hugh M. Burns and Hatfield—An act to add Section 142.1 to the Vehicle Code, relating to registration of vehicles used in connection with farming operations.

Referred to Committee on Transportation.

Senate Bill No. 1519: By Senators Hugh M. Burns and Hatfield—An act to add Sections 142.5 and 678.5 to the Vehicle Code, relating to implements of husbandry.

Referred to Committee on Transportation.

Senate Bill No. 1520: By Senator Regan—An act to amend Section 126 of the Government Code, relating to the consent to the acquisition of lands in this State by the United States.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1521: By Senator Rich—An act to amend Sections 8853, 10051, 10052, 10053, 10071, 10072, 10121, 10123, 10125, 10146, 10281, 10401, 10451, and to repeal Sections 10454 and 10455, of the Revenue and Taxation Code, relating to the taxation of persons engaged in the transportation of persons or property upon the public highways by motor vehicles, and providing for the administration thereof.

Referred to Committee on Transportation.

Senate Bill No. 1522: By Senator Rich—An act authorizing the sale of certain real property in the City of Sacramento not required for existing state functions and providing for the disposition of the proceeds of such sale.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1523: By Senator Rich—An act to amend Chapters 6505 and 6816 of the Public Resources Code, relating to the deposit of receipts received by the State from lease of lands.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1524: By Senator Rich—An act to amend Section 6028 of the Penal Code, relating to the creation of special commissions to study crime.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1525: By Senators Rich and Swing—An act to repeal Chapter 3, Division 7, of the Vehicle Code, creating a Financial Responsibility Division.

Referred to Committee on Transportation.

Senate Bill No. 1526: By Senator Rich—An act authorizing the gift of certain real property in Tuolumne County which is not required for existing state function.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1527: By Senator Rich—An act authorizing the grant, without cost of certain real property, in the City of Porterville, not required for existing state functions.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1528: By Senator Rich—An act authorizing the sale of certain real property in the County of Madera not required for existing state functions and providing for the disposition of the proceeds of such sale.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1529: By Senator Rich—An act to amend Sections 19620 and 19624.5 and to repeal Sections 19621, 19622, 19622.5,

19623, 19624, 19625, 19626, 19627, and 19628 of the Business and Professions Code, relating to horse racing and the revenues derived therefrom, and abolishing the Fair and Exposition Fund.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1530: By Senator Rich—An act to add Sections 22.2, 22.3, 22.4, and 22.5 to the Bank and Corporation Franchise Tax Act, relating to a transfer of all the duties and powers of the Office of the Franchise Tax Commissioner, to the Board of Equalization.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1531: By Senator Rich—An act to amend Section 1959 of the Code of Civil Procedure, relating to presumptions.

Referred to Committee on Judiciary.

Senate Bill No. 1532: By Senator Rich—An act to amend Sections 13581, 18852, 18853, and 18854 of the Government Code, relating to compensation of state employees and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1533: By Senator Rich—An act to amend Part 2, Chapter 4, Section 18853 of the Government Code, relating to fixing of salary rates of casual and intermittent workers.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1534: By Senator Rich—A act to add Sections 13370.1 and 13370.2 to the Government Code, relating to the control of specifications for bids.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1535: By Senator Rich—An act to amend Section 265 (a) of the Vehicle Code, relating to applicants for driver's licenses providing permanent addresses.

Referred to Committee on Transportation.

Senate Bill No. 1536: By Senator Rich—An act to authorize cities of the ----- class and over one hundred thousand in population to enact ordinances providing for inspection of motor vehicles.

Referred to Committee on Transportation.

Senate Bill No. 1537: By Senator Rich—An act to amend Section 736 of the Vehicle Code, relating to any persons arrested must be taken immediately before a magistrate.

Referred to Committee on Transportation.

Senate Bill No. 1538: By Senator Rich—An act to amend Title 2, Division 5, Part 2, Chapter 7, Article 4, of the Government Code, relating to interdepartmental transfers of state employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1539: By Senator Rich—An act to repeal an act "Authorizing the sale of the property in the City of Sacramento used by

State Agricultural Society for the State Fair and providing for the disposition and use of the proceeds from such sale."

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1540: By Senator Rich—An act to repeal an act "Making an appropriation to the Director of Finance for the acquisition and improvements of a site for the California State Fair."

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1541: By Senator Rich—An act to repeal an act entitled "California Disaster Act."

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1542: By Senator Rich—An act to authorize the sale of a part of the property used by the Napa State Hospital and to provide for the disposition of the proceeds from such sale.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1543: By Senator Rich—An act to authorize the sale of a part of the property used by the Sonoma State Home and to provide for the disposition of the proceeds from such sale.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1544: By Senator Rich—An act to amend Section 1027 of the Penal Code, relating to the appointment of alienists and providing for payment of fees for services of medical staff members of state hospitals.

Referred to Committee on Institutions.

Senate Bill No. 1545: By Senator Rich—An act to repeal Section 1620 of the Welfare and Institutions Code, relating to the inspection and licensing of boarding homes, day nurseries and schools.

Referred to Committee on Social Welfare.

Senate Bill No. 1546: By Senator Rich—An act to provide for reversion to the General Fund of any moneys available for accumulated vacation time of employees of the State Relief Administration, State Relief Commission, or the Office of State Relief Administrator.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1547: By Senator Rich—An act to amend Section 6860 of the Business and Professions Code.

Referred to Committee on Business and Professions.

Senate Bill No. 1548: By Senator Rich—An act to amend Sections 7000, 7002, 7003, and 7007, Article 1, Chapter 9, Division 5 of the Business and Professions Code, relating to the membership of the Contractors' State License Board.

Referred to Committee on Business and Professions.

Senate Bill No. 1549: By Senator Rich—An act to amend Sections 6710, 6711, and 6712, Article 2, Chapter 7, Division 3 of the Business

and Professions Code as amended by the Statutes of 1947, Chapter 1469, Section 1, relating to the State Board of Registration for Civil and Professional Engineers.

Referred to Committee on Business and Professions.

Senate Bill No. 1550: By Senator Rich—An act to amend Section 11401 of the Water Code, relating to membership of the Water Project Authority.

Referred to Committee on Water Resources.

Senate Bill No. 1551: By Senator Rich—An act to amend Sections 1601 and 1603, Article 2 of the Business and Professions Code, relating to the reduction of membership of the Board of Dental Examiners.

Referred to Committee on Business and Professions.

Senate Bill No. 1552: By Senator Rich—An act to amend Sections 10051, 10052, and 10054, Chapter 2, Article 1 of Business and Professions Code reducing membership on the Real Estate Board from seven to five.

Referred to Committee on Business and Professions.

Senate Bill No. 1553: By Senator Rich—An act to amend Sections 70, 71, 73, and 75, Article 1, Chapter 3 of the Agricultural Code, relating to the State Agricultural Society.

Referred to Committee on Agriculture.

Senate Bill No. 1554: By Senator Rich—An act to amend Sections 4000, 4002, and 4008, Article 1, Chapter 9, Division 2, of the Business and Professions Code, relating to the State Board of Pharmacy.

Referred to Committee on Business and Professions.

Senate Bill No. 1555: By Senator Rich—An act to amend Sections 9530 and 9531, Article 2, of the Business and Professions Code, relating to the membership of the State Board of Dry Cleaners.

Referred to Committee on Business and Professions.

Senate Bill No. 1556: By Senator Rich—An act to amend Sections 70 and 71, Article 1, Chapter 3 of the Agricultural Code, relating to reduction of the State Agricultural Society membership.

Referred to Committee on Agriculture.

Senate Bill No. 1557: By Senator Rich—An act to amend Sections 9001, 9002, and 9003, Article 1, Chapter 17, of the Business and Professions Code, relating to the Board of Social Work Examiners.

Referred to Committee on Business and Professions.

Senate Bill No. 1558: By Senator Rich—An act to amend Sections 102 and 103, Chapter 1, Part 1, Division 1 of the Health and Safety Code, relating to the State Health Board.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1559: By Senator Rich—An act to amend Sections 2100 and 2102, Article 2, Chapter 5, Division 2 of the Business and Professions Code, relating to the State Board of Medical Examiners.

Referred to Committee on Business and Professions.

Senate Bill No. 1560: By Senator Rich—An act to repeal Sections 1 to 13, inclusive, of Chapter 1071 of the Statutes of 1947 establishing a State Communications Advisory Board.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1561: By Senator Rich—An act to repeal Sections 500 to 520.1 of Chapter 1, Part 2, Division 2, of the Military and Veterans Code as amended by the Statutes of 1947, creating the California Cadet Corps.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1562: By Senator Rich—An act to repeal Sections 3534 to 3537, inclusive, of the Revenue and Taxation Code creating the Advisory Committee on Tax-deeded Property.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1563: By Senator Rich—An act to delete from Section 15530, Chapter 1, Part 8, Division 3, Title 2 of the Government Code that part which refers to the creation of the Economic Advisory Council.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1564: By Senator Rich—An act to repeal Chapter 1, Part 2, Division 12, Article 2, Sections 13140, 13140.5, 13140.6, 13140.7, 13141, and 13142 of the Health and Safety Code, establishing a State Fire Advisory Board.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1565: By Senator Rich—An act to repeal Division 7, Sections 8600 to 8703, inclusive, of the Public Resources Code, relating to the Recreation Commission.

Referred to Committee on Natural Resources.

Senate Bill No. 1566: By Senator Rich—An act to repeal Section 3 of Chapter 1379 of the Statutes of 1947 establishing the California Aeronautics Commission.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1567: By Senator Rich—An act to repeal Article 19 of the Community Redevelopment Act, relating to the Redevelopment Agency.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1568: By Senator Rich—An act to amend Section 16305 of the Government Code, relating to money held in trust by the State Treasurer as provided in Section 29 of Article IV of the Constitution of California, and to provide a support appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1569: By Senator Rich—An act to repeal Sections 6504, 6505, and 6506 of the Welfare and Institutions Code.

Referred to Committee on Institutions.

Senate Bill No. 1570: By Senator Crittenden—An act to add Section 781.5 to the Agricultural Code, relating to agriculture.

Referred to Committee on Agriculture.

Senate Bill No. 1571: By Senator Crittenden—An act to add Section 783.6 to the Agricultural Code, relating to citrus fruit.

Referred to Committee on Agriculture.

Senate Bill No. 1572: By Senator Michael J. Burns—An act to amend Section 26826 of the Government Code, relating to the appearance of defendant, intervenor, respondent, correspondent, or adverse party.

Referred to Committee on Judiciary.

Senate Bill No. 1573: By Senator O'Gara—An act to add Section 395.9 to the Military and Veterans Code, relating to state employees, and effect of military service thereof on their employment.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1574: By Senator O'Gara—An act to amend Section 460 of the Government Code, relating to the government of the State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1575: By Senator O'Gara—An act to amend Section 4131 of the Harbors and Navigation Code, relating to harbors and navigation.

Referred to Committee on Transportation.

Senate Bill No. 1576: By Senator O'Gara—An act to amend Section 193 of the Penal Code, relating to crimes and the punishment thereof.

Referred to Committee on Judiciary.

Senate Bill No. 1577: By Senator O'Gara—An act to amend Section 25 of the Agricultural Code, relating to the powers and duties of the Department of Agriculture, and the administration thereof.

Referred to Committee on Agriculture.

Senate Bill No. 1578: By Senator O'Gara—An act to amend Section 121 of the Election Code, relating to elections.

Referred to Committee on Elections.

Senate Bill No. 1579: By Senator O'Gara—An act to amend Section 726.5 of the Political Code, relating to judicial officers.

Referred to Committee on Judiciary.

Senate Bill No. 1580: By Senator O'Gara—An act to amend Section 54 of the Labor Code, relating to labor.

Referred to Committee on Labor.

Senate Bill No. 1581: By Senator O'Gara—An act to amend Section 41 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 1582: By Senator O'Gara—An act to amend Section 110 of the Welfare and Institutions Code, relating to the powers and duties of the Department of Social Welfare and administration thereof.

Referred to Committee on Social Welfare.

Senate Bill No. 1583: By Senator O'Gara—An act to amend Section 202 of the Water Code, relating to the powers and duties of the Department of Public Works, and administration thereof.

Referred to Committee on Water Resources.

Senate Bill No. 1584: By Senator O'Gara—An act to amend Section 106 of the Vehicle Code, relating to the powers and duties of the Department of Motor Vehicles and the administration thereof.

Referred to Committee on Transportation.

Senate Bill No. 1585: By Senator O'Gara—An act to amend Section 116 of the Education Code, relating to the powers and duties of the State Board of Education, and the administration thereof.

Referred to Committee on Education.

Senate Bill No. 1586: By Senator O'Gara—An act to amend Section 106 of the Corporation Code, relating to corporations.

Referred to Committee on Judiciary.

Senate Bill No. 1587: By Senator O'Gara—An act to amend Section 124 of the Code of Civil Procedure, relating to courts of justice and proceedings therein.

Referred to Committee on Judiciary.

Senate Bill No. 1588: By Senator O'Gara—An act to amend Section 23.5 of the Business and Professions Code, relating to the powers and duties of the Director of Professional and Vocational Standards.

Referred to Committee on Business and Professions.

Senate Bill No. 1589: By Senator O'Gara—An act to amend Section 1458 of the Civil Code, relating to obligations.

Referred to Committee on Judiciary.

Senate Bill No. 1590: By Senator O'Gara—An act to amend Section 20 of the Health and Safety Code, relating to the powers and duties of the Department of Public Health, and the administration thereof.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1591: By Senator O'Gara—An act to amend Section 29.5 of the Fish and Game Code, relating to the powers and duties of the Fish and Game Commission, and the administration thereof.

Referred to Committee on Fish and Game.

Senate Bill No. 1592: By Senator O'Gara—An act to amend Section 6401 of the Public Resources Code, relating to public resources of the State.

Referred to Committee on Natural Resources.

Senate Bill No. 1593: By Senator O'Gara—An act to amend Section 203 of the Probate Code, relating to estates.

Referred to Committee on Judiciary.

Senate Bill No. 1594: By Senator O'Gara—An act to amend Section 2503 of the Revenue and Taxation Code, relating to taxation and the disposition of tax money.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1595: By Senator O'Gara—An act to amend Section 83 of the Streets and Highways Code, relating to public highways.

Referred to Committee on Transportation.

Senate Bill No. 1596: By Senator O'Gara—An act to amend Section 127 of the Military and Veterans Code, relating to the armed forces and the militia of the State.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1597: By Senator Miller—An act to add Section 603 to the Streets and Highways Code, relating to state highways.

Referred to Committee on Transportation.

Senate Bill No. 1598: By Senator Miller—An act to add Sections 860.2, 880.2, and 903.2 to the Fish and Game Code, relating to commercial fishing.

Referred to Committee on Fish and Game.

Senate Bill No. 1599: By Senator Miller—An act to add Section 604 to the Streets and Highways Code, relating to state highways.

Referred to Committee on Transportation.

Senate Bill No. 1600: By Senator Miller—An act to amend Section 117p of the Code of Civil Procedure, relating to fees charged by public officers in connection with small claims actions.

Referred to Committee on Judiciary.

Senate Bill No. 1601: By Senator Miller—An act to add Sections 866, 880.5, and 903.5 to the Fish and Game Code, relating to commercial fishing.

Referred to Committee on Fish and Game.

Senate Bill No. 1602: By Senator Miller—An act to add Section 4 to the General Provisions of the Fish and Game Code, relating to the state policy on restrictions on fishing.

Referred to Committee on Fish and Game.

Senate Bill No. 1603: By Senator Williams—An act to amend Section 1118 of the Labor Code, relating to jurisdictional strikes.

Referred to Committee on Labor.

Senate Bill No. 1604: By Senator Miller—An act to add Sections 860.1, 880.1, and 903.1 to the Fish and Game Code, relating to commercial fishing.

Referred to Committee on Fish and Game.

Senate Bill No. 1605: By Senator Miller—An act to add Section 605 to the Streets and Highways Code, relating to state highways.

Referred to Committee on Transportation.

Senate Bill No. 1606: By Senator Kraft—An act to amend Section 2383 of the Business and Professions Code, relating to unprofessional conduct.

Referred to Committee on Business and Professions.

Senate Bill No. 1607: By Senator Johnson—An act to add Section 25456.5 to the Government Code, relating to power of the board of supervisors to replace or repair structures.

Referred to Committee on Local Government.

Senate Bill No. 1608: By Senator Desmond—An act to amend Section 9 of the Civil Code, relating to the performance of certain business transactions on Saturday.

Referred to Committee on Judiciary.

Senate Bill No. 1609: By Senator Dorsey—An act to amend Section 92 of the Agricultural Code, relating to county and district agricultural fairs.

Referred to Committee on Governmental Efficiency.

Senate Joint Resolution No. 21: By Senator Rich—Relative to memorializing the Federal Department of Interior and the Bureau of Reclamation of the Federal Government in relating to reimbursing the State of California and the reconstruction of flood control works on the Sacramento River.

Referred to Committee on Water Resources.

RESOLUTIONS

The following resolutions were offered:

By Senator Jespersen:

Senate Resolution No. 61

Resolved, That a Committee of Three be appointed by the President of the Senate to notify the Governor that the Senate is ready to adjourn for the constitutional recess, and to ask if he has any further communications to transmit to the Senate.

Resolution read, and, on motion of Senator Jespersen, adopted.

Appointment of Special Committee

In accordance with the above resolution, the President appointed Senators Jespersen, Dorsey, and Abshire as a committee to wait on His Excellency, Governor Earl Warren, and inform him that the Senate is ready to adjourn for the constitutional recess.

Senate Resolution No. 62

By Senator Desmond :

Resolved, That a Committee of Three be appointed by the President of the Senate to notify the Assembly that the Senate is ready to adjourn for the constitutional recess, and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and, on motion of Senator Desmond, adopted.

Appointment of Special Committee

In accordance with the above resolution, the President appointed Senators Desmond, Miller, and Michael J. Burns, as a committee to inform the Assembly that the Senate is ready to adjourn for the constitutional recess.

By the Committee on Rules :

Senate Resolution No. 63

Resolved, That the Chief of the Bureau of Buildings and Grounds, be, and he is hereby directed to leave the Senate Chamber and all the committee rooms and other rooms used by the Senators and officers of the Senate in such condition that they will be available for use of the Senate at any time; and it is further directed that no persons other than the members, officers and attaches of the Senate be permitted to occupy or use the offices, committee rooms and other rooms now occupied by the Senate without permission as hereinafter provided, and that the desks, furniture, and other equipment of the Senate be at the disposal of the Secretary of the Senate pursuant to adjournment of this session until the Senate shall reconvene, and that no person except Members of the Senate be permitted to occupy any of the Senate's offices or make use of Senate equipment without permission of the Secretary; and be it further

Resolved, That the Secretary be and he is hereby made responsible for the safe-keeping of Senate property after adjournment of this session until the Senate shall reconvene again; and be it further

Resolved, That the Secretary be directed to deliver a copy of this resolution to the Chief of the Bureau of Buildings and Grounds Division and a copy to the Director of Finance.

Resolution read, and adopted.

By the Committee on Rules :

Senate Resolution No. 64

WHEREAS, The whole purpose of the legislative recess will have been defeated if pending legislation is not printed and distributed early in such recess; therefore, be it

Resolved, That the Secretary of the Senate be and he is hereby directed to do everything possible to secure the early printing and distribution of Histories and pending measures; and be it further

Resolved, That the State Printer be and he is hereby directed to spare no effort to complete the printing of pending measures and Histories in order that the same may be distributed to Members of the Legislature, libraries, the press, and the public generally as early in the legislative recess as is possible; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to transmit a copy of this resolution to the State Printer.

Resolution read, and adopted.

REPORTS OF SPECIAL COMMITTEES

Senators Jespersen, Dorsey, and Abshire, as a special committee appointed to wait upon the Governor and to inform him of the readiness of the Senate to adjourn for the constitutional recess, reported that His Excellency had informed the committee that he had no further communication to transmit to the Senate.

Senators Desmond, Miller, and Michael J. Burns, as a special committee appointed to inform the Assembly of the readiness of the Senate to adjourn for the constitutional recess, reported that the committee had delivered the message to the Assembly, and had been requested to inform

the Senate that the Assembly had no further communications to transmit as they were prepared to adjourn for the constitutional recess.

MOTION TO APPROVE MINUTES

Senator Dorsey moved that the minutes for this day, January 29, 1949, be approved as read.

Motion carried.

ADJOURNMENT FOR CONSTITUTIONAL RECESS

Whereupon, at 3 p.m., on motion of Senator Dorsey, in accordance with the provisions of Senate Concurrent Resolution No. 26, Senator Harold J. Powers, President pro Tempore of the Senate, declared the Senate adjourned for the constitutional recess, to reconvene at 12 m., on March 7, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-SECOND LEGISLATIVE DAY

SIXTY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, March 7, 1949

Pursuant to Senate Concurrent Resolution No. 26, providing for the reconvening of the Legislature after the constitutional recess, the Senate met at 12 m.

Hon. Goodwin J. Knight, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Watson, Weybret, and Williams—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Swing, on motion of Senator Powers, due to legislative business.

Senator Ward, on motion of Senator Powers, due to legislative business.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 54

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 54—Relative to the introduction of bills at the request of state agencies during regular general sessions of the Legislature.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, February 3, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 27—An act to amend Section 3 of the Property Acquisition Act, relating to the acquisition of property by the State in connection with the postwar construction program, declaring the urgency thereof and providing that this act shall take effect immediately;

Senate Bill No. 101—An act authorizing the conveyance of certain property belonging to the State of California at San Francisco State College in the City and County of San Francisco, State of California, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 595—An act to validate certain acts, proceedings, contracts, and expenditures in relation to the improvement of county-owned property for fair purposes, declaring the urgency of this act, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the third day of February, 1949, at 3 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, February 3, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 7—Relative to Joint Rules of the Senate and Assembly committees and committee meetings;

Senate Concurrent Resolution No. 26—Relative to adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling;

Senate Concurrent Resolution No. 27—Relative to assistance to producers of livestock in the intermountain states;

Senate Concurrent Resolution No. 33—Relative to adjournment in respect to the memory of Mrs. Mary K. Behrens;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the third day of February, 1949, at 3 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, February 3, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Joint Resolution No. 5—Relative to memorializing the President and the Congress of the United States in relation to changing present federal laws pertaining to the employment security programs of the states, and to providing sufficient funds to permit proper administration of the public employment service and the unemployment insurance programs of the State of California;

Senate Joint Resolution No. 6—Relative to memorializing the President and the Congress of the United States in relation to two irrigation canals to supply water from the Sacramento River to areas in Northern California;

Senate Joint Resolution No. 8—Relative to the proposed International Animal Quarantine Station on Swan Island;

Senate Joint Resolution No. 9—Relative to funds for the Joint Commission for the Eradication of Foot and Mouth Disease in the Republic of Mexico;

Senate Joint Resolution No. 10—Relative to the Federal Livestock Disease Research Laboratory;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the third day of February, 1949, at 3 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, February 3, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Joint Resolution No. 11—Relative to memorializing the President and the Congress of the United States in relation to establishing a 10 year experimental range program;

Senate Joint Resolution No. 13—Relative to memorializing the President and the Congress of the United States in relation to the Forestry Service special use permit fees;

Senate Joint Resolution No. 14—Relative to memorializing the Congress of the United States in relation to repealing the Transportation Tax;

Senate Joint Resolution No. 15—Respecting memorializing Congress to enact legislation for the relief of gold mining;

Senate Joint Resolution No. 17—Relative to memorializing Congress to consider flood control needs in California;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the third day of February, 1949, at 3 p.m.

POWERS, Chairman

RESOLUTIONS

The following resolutions were offered:

By Senator Rich:

Senate Resolution No. 65

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Governor that the Senate has reconvened the 1949 Regular Session, after the constitutional recess, pursuant to Senate Concurrent Resolution No. 26, and is now ready to receive any communication he may have to make.

Resolution read, and on the motion of Senator Rich, adopted.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Rich, Hatfield, and Brown.

By Senator Parkman:

Senate Resolution No. 66

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Assembly that the Senate has reconvened the 1949 Regular Session, after the constitutional recess, pursuant to Senate Concurrent Resolution No. 26, and is now ready to proceed with the business of the State.

Resolution read and on the motion of Senator Parkman, adopted.

Appointment of Special Committee

The President announced, in accordance with above resolution, the appointment of Senators Parkman, McBride, and Mayo.

By the Committee on Rules:

Senate Resolution No. 67

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law, for attendance upon the 1949 Regular Session of the Legislature:

Senators	County	Mileage	Total at 5 cents per mile
Abshire, F. Presley	Sonoma	228	\$11 40
Breed, Arthur H., Jr.	Alameda	180	9 00
Brown, Charles	Inyo	1,292	64 60
Burns, Hugh M.	Fresno	338	16 90
Burns, Michael J.	Humboldt	624	31 20
Busch, Burt W.	Lake	320	16 00
Collier, Randolph	Siskiyou	590	29 50
Coombs, Nathan F.	Napa	122	6 10
Crittenden, Bradford S.	San Joaquin	94	4 70

Senators	Counties	Mileage	Total at 5 cents per mile
Cunningham, R. R.	Kings	428	\$21.40
Deshmond, Earl D.	Santa Clara	2	10
Dillinger, H. E.	Stanislaus	100	5.00
Dunneley, Hugh P.	El Dorado	1,092	54.60
Dunneley, Hugh P.	Stanislaus	192	9.10
Dunneley, Hugh P.	Kings	559	27.95
Dunneley, Hugh P.	Butte	198	9.90
Dunneley, Hugh P.	Santa Clara	142	7.10
Dunneley, Hugh P.	Mariposa	204	10.20
Dunneley, Hugh P.	Los Angeles	1,209	60.45
Dunneley, Hugh P.	Santa Clara	604	30.20
Dunneley, Hugh P.	Butte	34	1.70
Dunneley, Hugh P.	Santa Clara	336	16.80
Dunneley, Hugh P.	Mariposa	210	10.50
Dunneley, Hugh P.	Santa Clara	146	7.30
Dunneley, Hugh P.	Calaveras	170	8.50
Dunneley, Hugh P.	Alameda	960	48.00
Dunneley, Hugh P.	Alameda	168	8.40
Dunneley, Hugh P.	Santa Clara	180	9.00
Dunneley, Hugh P.	Santa Clara	222	11.10
Dunneley, Hugh P.	Mariposa	872	43.60
Dunneley, Hugh P.	Butte	434	21.70
Dunneley, Hugh P.	Butte	106	5.30
Dunneley, Hugh P.	Santa Clara	992	49.60
Dunneley, Hugh P.	Los Angeles	159	7.95
Dunneley, Hugh P.	Los Angeles	894	44.70
Dunneley, Hugh P.	Los Angeles	920	46.00
Dunneley, Hugh P.	Butte	962	48.10
Dunneley, Hugh P.	Mariposa	484	24.20
Dunneley, Hugh P.	Butte	468	23.40
			Total at 10 cents per mile
Knight, Goodwin J., President	El Dorado	804	\$80.40
Reed, A. A.	Stanislaus	900	90.00
Reed, A. A.	Los Angeles	804	80.40
Reed, A. A.	Santa Clara	2	20

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES.—Senators Abshire, Broad, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crattenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Droush, Gibson, Hulse, Jorgensen, Joseph, Keating, Kraft, Miller, O'Gara, Powers, Regan, Salsman, Sutton, Tenney, Watson, Waybret, and Williams—31.

NOTES.—None.

RESOLUTIONS

The following resolution was offered:

By Senator Abshire:

Senate Resolution No. 68

WHEREAS, Luther Burbank was born 100 years ago today, March 7, 1849; and
WHEREAS, The birthday of Luther Burbank is the only which by legislative enactment has been designated Bird and Anton Day in honor of the service rendered to society by Luther Burbank, a matter which was frequently called to the attention of the Senate and the people of the State of California by the late Honorable Herbert Slater, who was for so many years the dean of this body; and

WHEREAS, Luther Burbank who was born in Lancaster, Massachusetts, March 7, 1849, came to Santa Rosa, Sonoma County, California in 1876 and made his home for the last 50 years of his life during which time his achievements in the realm of botanical and horticultural research and discovery has earned for him outstanding respect and recognition throughout the world, particularly for his development of thousands of new varieties of fruit, vegetables and trees, his Burbank potato still being a major crop in California's delta region as well as in sections of Idaho and Washington; now therefore be it

Resolved by the Senate of the State of California, That this body by this resolution desires to restate its previously expressed recognition of achievements of this modest, kindly and unassuming man, Luther Burbank, and to convey to his widow who was a source of great help and encouragement to him, this expression of recognition, and to endorse the statement of Ernest L. Farley, late publisher of the *Santa Rosa Press Democrat*, who said, "We who have known him best, regret his loss as friend and neighbor. The world will miss him as a scientist and important world character. Civilization, benefited by his work and labors, will today unite with his friends in Santa Rosa to do him honor." and be it further

Resolved, That the Secretary of the Senate is directed to communicate the text of this resolution to Mrs. Luther Burbank of Santa Rosa.

Resolution read, and on motion of Senator Abshire, was unanimously adopted.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered :

Senate Joint Resolution No. 22: By Senators O'Gara, Miller, Regan, Tenney, Kraft, Hugh M. Burns, Desmond, and Breed—Relative to memorializing the President, Secretary of State, and Congress of the United States and condemning the Communist persecution of Cardinal Mindszenty and other Roman Catholic prelates in Hungary, the espionage trial of Protestant pastors in Bulgaria and the persecution of religion in all Communist-dominated countries behind the iron curtain.

Referred to Committee on Rules.

REPORTS OF SPECIAL COMMITTEES

The following reports of special committees were received :

Senators Rich, Hatfield, and Brown, the Special Committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported that they had performed their duty.

Senators Parkman, McBride, and Mayo, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported that they had performed their duty.

MESSAGES FROM THE ASSEMBLY

A committee from the Assembly, consisting of Messrs. Dickey, Lincoln, and McCarthy, appeared at the bar of the Senate, and announced that the Assembly was duly organized, and ready to proceed with the business of the State.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 11

Senator Desmond moved that Senate Bill No. 11 be withdrawn from Committee on Business and Professions for purpose of amendment and be re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 11—An act to amend Section 3041 of the Business and Professions Code, relating to the practice of optometry.

Bill read second time.

Motion to Amend

Senator Desmond moved the adoption of the following amendment :

Amendment No. 1

On page 1 of the printed bill, strike out lines 9 to 13 inclusive, and insert

"b. The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training, or orthoptics.

c. The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Concurrent Resolution No. 37: By Senators Rich, Keating, and Coombs—Relative to continuing the Joint Legislative Committee on Lending Transactions.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 37, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 37

Senate Concurrent Resolution No. 37—Relative to continuing the Joint Legislative Committee on Lending Transactions.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Watson, Weybret, and Williams—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Hatfield:

Senate Resolution No. 69

Relative to augmenting the funds of the Senate Interim Committee on
Livestock Diseases

Resolved by the Senate of the State of California, That in addition to any money heretofore made available, the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the Senate Interim Committee on Livestock Diseases (created by Senate Resolution No. 145, 1947 Regular Session and continued by Senate Resolution No. 23, 1949 Regular Session) and its members and for any charges, expenses, or claims it may incur under said resolution, to be paid from said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

ADJOURNMENT

At 12.25 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 2 p.m., Tuesday, March 8, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-THIRD LEGISLATIVE DAY

SIXTY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, March 8, 1949

The Senate met at 2 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names :

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day :

Senator Mayo, on motion of Senator Powers, due to legislative business.

Senator Swing, on motion of Senator Powers, due to legislative business.

Senator Tenney, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Kabul Singh, Member of Legislative Assembly of India (East Punjab), Brishan Singh of Sacramento, Ajmier Singh of Yuba City, Mohan Singh of Victoria, B. C., Canada, and G. S. Puruval of Fresno.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William A.

Sullivan, Commissioner of Insurance and Mrs. Sullivan of Olympia, Washington.

COMMUNICATIONS

The following communication was received and read and ordered printed in the Journal:

INTER-DEPARTMENTAL COMMUNICATION

STATE OF CALIFORNIA, SACRAMENTO 14

Date: March 3, 1949

Subject: Chapter 1422
Statutes of 1945

To: Hon. Joseph A. Beck, Secretary of the Senate
State Capitol Building, Sacramento, California

From: DIVISION OF BEACHES AND PARKS
Mr. J. H. Covington

The California State Park Commission at its regular meeting in February, reviewed the various measures that have been introduced to the Legislature, and, as a result, adopted the attached resolution, which they have requested that I forward you for the information of the Members of the Legislature.

J. H. COVINGTON
Executive Secretary

*Excerpt from the Minutes of the Meeting of the California State Park Commission,
held in Long Beach, California, on February 18, 1949*

Proposed Acquisition—Chapter 1422, Statutes of 1945

Commissioner Kasch discussed tabulation of expenditures from the funds appropriated by Chapter 1422, Statutes of 1945. He stressed the importance of inland counties who have not yet benefited from this appropriation and who do not have state parks. He further discussed legislation that has been introduced in the present session relative to parks in inland counties. After further discussion Commissioner Kasch presented and moved the adoption of the following resolution:

WHEREAS, By 1945 Statutes of California, Chapter 1422, there was appropriated the sum of \$5,000,000 for the acquisition of parks in the interior counties; now, therefore, be it

Resolved, That from this acquisition fund there is hereby allocated the sum of \$1,000,000, in addition to amounts already committed under this act, to those counties of the State seeking recreational areas, which have no state parks or adequate recreational facilities, such allocation to continue until July 1, 1951, and that the secretary forward copies of this resolution to both houses of the California Legislature.

Seconded by Commissioner Waldner and approved.

Letter of Transmittal

THE STATE BOARD OF CORRECTIONS

Second Progress Reports of the Special Crime Study Commissions

March 7, 1949

The Honorable Earl Warren
Governor of California
The Honorable Goodwin J. Knight
President of the Senate
The Honorable Sam L. Collins
Speaker of the Assembly

Pursuant to the provisions of Section 6028.3 of the Penal Code, enacted by the Legislature in 1947, I have the honor, in behalf of the Board of Corrections, to transmit the Second Progress Reports of the Special Crime Study Commissions for the study of: Criminal Law and Procedure, Adult Corrections and Release Procedures, Juvenile Justice, Social and Economic Causes of Crime and Delinquency and Organized Crime.

The commissions were established by the Governor on November 1, 1947, and their program was initiated at the "Governor's Conference on Crime and Juvenile Justice," Sacramento, November 17 and 18, 1947.

The members of the Board of Corrections are unanimous in their commendation of the work performed by each commission since its establishment. They have, likewise, been deeply impressed by the generosity and self-sacrifice with which each appointee of the Governor to the various commissions has carried out his duties. The time which these responsible and respected fellow citizens of ours have taken from their own considerable personal and professional responsibilities and which they have freely donated to the enhancement of the welfare of this State merits the gratitude of all our people.

The board has studied and considered the Second Progress Report of each of the Special Crime Study Commissions. It is in general agreement with the spirit and intent of the specific proposals submitted by each commission to the Governor and the Legislature. The board as a whole and its individual members, however, reserve the right to withhold judgment with respect to the content and purpose of legislative bills related to these proposals as each is considered by the Legislature.

In conformity with the provisions of their respective executive orders final reports of the commissions will be submitted on or before June 30, 1949.

The board suggests to the chairman and members of the commissions that in the formulation of their final recommendations serious consideration be given to the adoption of proposals in their respective fields which will (a) provide for statements of long range goals to the attainment of which the State and its various agencies and departments should be striving in the next decade; and (b) to the adoption of proposals or recommendations which will make possible the ultimate completion of those important aspects of their work which will be unfinished as of July 1, 1949.

The members of the board unanimously support the recommendation of the administration that the work of the Commission on Organized Crime be continued through the Fiscal Year 1949-1950.

Our consideration of the Second Progress Report of this commission has convinced us that its inquiries have enhanced and augmented the efforts of law enforcement and the administration of justice in this State.

We have noted, with satisfaction, in the above connection, that the Peace Officers of the State of California, at their annual conference held at Santa Monica, California, October 27-30, 1948, by unanimous action adopted the following resolution expressing their endorsement and support of the work of each of the Special Crime Study Commissions:

"WHEREAS, The Special Crime Study Commissions appointed by the Honorable Earl Warren, Governor of the State of California have rendered to this convention progress reports and tentative conclusions of their work since their appointment; and

"WHEREAS, The Peace Officers' Association of the State of California are deeply interested and thoroughly conscious of the benefits that law enforcement will receive from the efforts of these commissions; now, therefore, be it

"Resolved, That the members of this association do hereby express their entire support to the activities of the Crime Study Commissions; be it further

"Resolved, That this association does hereby commend the Crime Study Commissions for their work and efforts thus far obtained; be it further

"Resolved, That this association extend to the Honorable Earl Warren, Governor of California, and a long-time member of this association, its commendation for putting into operation the Crime Study Commissions herein referred to and that a copy of this resolution be forwarded by the secretary of the association to Governor Warren."

The members of the board are fully convinced that Admiral Standley, his associates and staff, have objectively produced ample evidence that organized criminal elements, within and beyond the confines of this State, have made and are making concerted efforts to entrench themselves in California.

It is apparent likewise that the alert and courageous enquiries of the respected membership of this commission, in ferreting out the identity and modus operandi of these enemies of society, will not have been completed at the close of the current fiscal year.

The Board of Corrections, therefore, respectfully urges the Members of our Legislature to express their confidence in and support of the work of the Special Crime Study Commission on Organized Crime by adopting the necessary measures to insure its effective continuance through 1949-1950.

In conclusion, the board wishes to extend its appreciation to the many citizens of California who, in an official or unofficial capacity, have appeared before the various commissions to give them the benefit of their experience and advice.

It is particularly indebted to the organizations and groups herewith named for the constructive cooperation and generous encouragement which, since the establishment of the commissions, they have consistently extended to furthering their objectives.

The Judicial Council and the Conference of California Judges, the California State Bar, and the local bar associations, the Justices and Constables' Association, the Association of District Attorneys, the Peace Officers' Association of the State of California, the Sheriffs' Association, the Chicago Crime Commission, the California Probation and Parole Association, the National Probation Association, the Osborne Association, members of both houses of the State Legislature and legislature interim committees, the California Conference of Social Welfare, the California Youth Committee, the Los Angeles County Youth Committee and the Los Angeles County Juvenile Officers' Association, the Northern California Juvenile Officer Association, the League of California Cities and the Supervisors Association of the State of California, the University of California, the University of Southern California, and the

San Francisco State College, women's organizations, service clubs and veterans organizations and state and local agencies of government.

Respectfully submitted,

THE STATE BOARD OF CORRECTIONS

RICHARD A. MCGEE, Chairman
MR. WALTER A. GORDON, Vice
Chairman
MR. O. H. CLOSE, Member
MR. CHARLES W. DULLEA, Member
MR. KARL HOLTON, Member

MRS. ANNE HUMPHREYS, Member
MR. GERALD C. KLIPPLE, Member
MRS. HELEN LEGG, Member
MR. ERLIS W. LESTER, Member
JUDGE ISAAC PACHT, Member
By: RICHARD A. MCGEE, Chairman

Letter of Transmittal ordered printed in the Journal and report ordered filed with the Secretary of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 8, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Resolution No. 69

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Request for Unanimous Consent

Senator Hatfield asked for, and was granted, unanimous consent to take up Senate Resolution No. 69, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 69

Senate Resolution No. 69

Relative to augmenting the funds of the Senate Interim Committee on Livestock Diseases

Resolved by the Senate of the State of California. That in addition to any money heretofore made available, the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the Senate Interim Committee on Livestock Diseases (created by Senate Resolution No. 145, 1947 Regular Session, and continued by Senate Resolution No. 23, 1949 Regular Session) and its members and for any charges, expenses, or claims it may incur under said resolution, to be paid from said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—32.

NOES—None.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 488

Senator Hatfield moved that Senate Bill No. 488 be withdrawn from Committee on Water Resources for purpose of amendment, and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 488—An act to amend Section 7001 of the Water Code, relating to joint use of conduits.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 5, of the printed bill, after "conveyance" strike out "or" and insert a comma.

Amendment No. 2

On page 1, line 5, of said bill, after "obtaining" insert "or disposing".

Amendment No. 3

On page 1 of said bill, strike out lines 11 to 13, inclusive, and insert "actually made of such conduit, well or pumping plant whether used in connection with irrigation or drainage".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1330

Senator Breed moved that Senate Bill No. 1330 be withdrawn from Committee on Social Welfare for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1330—An act to add Section 450.1 to the California Unemployment Insurance Act, relating to disability insurance.

Bill read second time.

Motion to Amend

Senator Breed moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, after "insurance" insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1, after line 14, insert the following:

"Sec. 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The successful payment of disability benefits to rotational labor is vitally dependent upon uniformity of procedure, and the current employment of rotational labor requires that this act become effective immediately to prevent disruption of the present administrative uniformity. If employers are confronted with a procedure whereby part of the employees wish to participate under a private plan and part desire their contributions to be reported to the State, present payroll procedures would become involved in difficult problems of administration and require extra costs in segregation of individuals participating under each plan. Further complications would arise from employment of casual labor, particularly during certain seasonal periods, which is often hired at odd hours when a regular company employee is not available, with necessary authorizations concerning the plan in which the employee may wish to participate. The administrative problems involved would be so numerous that they might jeopardize the success of the plan. It is therefore essential that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Collier, ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS

SACRAMENTO, December 17, 1948

Hon. Thomas McCormack, Chairman

Interim Committee of the Senate Committee on Transportation
State Capitol, Sacramento, California

DEAR SENATOR MCCORMACK: The Joint Fact-Finding Committee on Highways, Streets and Bridges, in its comprehensive study of the highway transportation system in California which resulted in the enactment of the Collier-Burns Highway Act, requested that the State Highway Engineer determine and inform the committee upon the comparative cost to construct:

(1) Highways adequate for use by all legal types of vehicles, including heavy trucks and busses;

(2) Highways of a design adequate for use by only the lighter vehicles, such as private passenger automobiles and small trucks.

After considerable study of the problem by the Division of Highways and discussion with the members of the joint committee, it was finally requested by the chairman of the committee that the Division of Highways take all projects designed and let to contract during a full calendar year, and analyze each of them upon the basis of actual bid cost as designed for mixed traffic. Corresponding costs were then to be computed for these same projects at the same unit prices but based upon a design considered satisfactory for lighter traffic (private passenger automobiles and small trucks) only.

Accordingly, all major projects let to contract by the Division of Highways between January 1, 1947, and January 1, 1948, were studied and analyzed upon the basis of duplicate designs, one covering the project as it was designed and let to contract, and the other upon the basis of a design considered to be satisfactory if the proposed highway were to be used by the lighter vehicles only.

This involved the separate study and analysis of each of 105 highway construction projects amounting in total cost to more than \$43,600,000. As a result of these analyses it was determined that these same projects, if designed upon the basis of use by lighter vehicles only, would have cost approximately \$35,700,000. This demonstrates that highways constructed to accommodate both light and heavy vehicles cost approximately 22.2 percent more than would be required for highways designed with no extra provision for heavy trucks and busses.

It is implicit in the very method of determination that this added cost is wholly the responsibility of the heavy vehicles. But there must be no hasty conclusion that this added cost alone covers their full responsibility. Since they also participate with all traffic in the use of the entire highway facility, they logically should participate in the whole cost of the highway.

Having determined and deducted those costs incurred solely by reason of the heavy trucks and busses, the remaining cost is a joint venture for which all highway traffic is responsible. The logical measure for the determination of proportionate responsibility is the proportionate amount of use. In turn, the logical measure of highway use is ton miles. Data prepared by the State Highway Planning Survey shows that for the year 1946, heavy trucks and busses generated 45 percent of the total ton-miles of traffic on the State Highway System. Application of this percentage to the specific projects analyzed in this present study places responsibility upon heavy vehicles for:

(1) The difference between actual cost of \$43,600,000 and the cost if constructed for light vehicles only of \$35,700,000, or-----	\$7,900,000
(2) Percentage of total ton-miles (45%) applied to that portion of total cost which is the responsibility of all traffic, \$35,700,000 x 45% =-----	16,065,000
Total -----	\$23,965,000

This \$23,965,000, for which heavy vehicles are found to be responsible, expressed in percentage represents 55 percent of the total cost of these 105 projects as actually constructed.

It is our belief and understanding that this statement, purposely condensed though it is into a very simple summary, contains in essence the information requested by your committee.

Yours very truly,

G. T. MCCOY, State Highway Engineer

Design Modifications Used in Estimating Cost of Highways Considered Adequate for Use by Lighter Vehicles (Passenger Automobiles and Small Trucks) Only

In computing the cost of the several projects, had they been designed and constructed for use by lighter vehicles only, the principal modifications of the design which were actually used were the following:

(1) *Right of Way*

No change.

(2) *Structural Design of Pavement*

Predicated primarily upon 8,000-pound axle load for lighter vehicles. Actual design provides for present legal maximum axle loading of 18,000 pounds.

(3) *Roadway Widths*

(a) Lane widths of 10 feet were used for the modified design. Present standard for accommodation of all legal types of vehicles is 12 feet.

(b) Median strip on divided highways. No change.

(c) Shoulder width. Where 8-foot shoulders were used in the actual design these were reduced to 7 feet in the design for lighter vehicles only.

(4) *Structures*

(a) *Loading*

Structures for use by lighter vehicles only were designed to sustain an H-5 loading. The standard used for use by all legal types of vehicles is H-20S16.

(b) *Vertical Clearance*

Vertical clearance for highway grade separations on highways for use by lighter vehicles only was set at 12 feet. Vertical clearance used in design for use by all legal types of vehicles is 15 feet.

(5) *Gradient*

In only a very few instances was any increase in grade made in the design for lighter vehicles only whereby a saving in earthwork quantities resulted.

(6) *Traffic Capacity*

It is universally recognized that the presence of large vehicles, both single units and combination units, very materially affects the over-all capacity of a highway. Studies indicate that one such vehicle will have the same effect upon capacity as would be made by from two- to eight-passenger vehicles, depending upon terrain. While fully aware of this fact, it has not been considered in the present study as being the deciding factor in determining the necessity to design as multiple-lane highways any of the projects included in this analysis.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 38: By Senators Jespersen, Collier, Sutton, Dillinger, McBride, Kraft, Donnelly, Judah, Drobish, Coombs, and Johnson—Relative to the annual fund campaign of the American National Red Cross.

Request for Unanimous Consent

Senator Jespersen asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 38, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 38

Senate Concurrent Resolution No. 38—Relative to the annual fund campaign of the American National Red Cross.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulso, Jespersen, Johnson, Judah, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 8, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointments, and respectfully request your confirmation thereof and consent thereto:

SIHERMAN W. MACDONALD, a resident of San Francisco; member of the Industrial Accident Commission since January 22, 1946; to the Industrial Accident Commission, vice self, for the term prescribed by law, ending January 15, 1953.

EVERETT A. CORTEN, a resident of Berkeley; member of the Industrial Accident Commission since September 24, 1945; to the Industrial Accident Commission, vice self, for the term prescribed by law, ending January 15, 1953.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 8, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointments, and respectfully request your confirmation thereof and consent thereto:

MAURICE J. OSTEOMEL, a resident of Los Angeles; assistant secretary to the Executive Director of the Welfare Council of Metropolitan Los Angeles; a specialist in personnel administration in the social welfare field and service training programs; to the Board of Social Work Examiners, vice Hyman Kaplan, resigned, for the term prescribed by law, ending January 15, 1953.

REVEREND RAYMOND J. O'FLAHERTY, a resident of Los Angeles; Executive Director, Catholic Welfare Bureau, Archdiocese of Los Angeles; member of the Board of Social Work Examiners since September 26, 1945; to the Board of Social Work Examiners, vice self, for the term prescribed by law, ending January 15, 1953.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 23: By Senator Hulse—Relative to the Upper Colorado River Basin Compact.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 8, 1949

MR. PRESIDENT: The Committee on Rules has appointed the following Senators to serve as members from the Senate on the Joint Committee on Inter-House Cooperation, created by Section 40 of Senate Concurrent Resolution No. 7:

Powers, Brown, Salsman, Hulse, Keating.

POWERS, Chairman

LETTER OF TRANSMITTAL

SENATE CHAMBER, STATE CAPITOL
SACRAMENTO, March, 1949

*Hon. Goodwin J. Knight, President of the Senate
Senate Chamber, State Capitol
Sacramento, California*

MR. PRESIDENT: Your Senate Committee on Vocational and Professional Standards and Procedures was created by Senate Resolution No. 89 of the 1947 Regular Session of the Legislature, and the following members were appointed to serve thereon:

Hugh M. Burns, Chairman; Burt W. Busch, Chris N. Jespersen.

There is submitted herewith the first report of the investigations of the committee.

Respectfully submitted,

HUGH M. BURNS, Chairman

Letter of Transmittal ordered printed in the Journal and report ordered printed in appendix to the Journal.

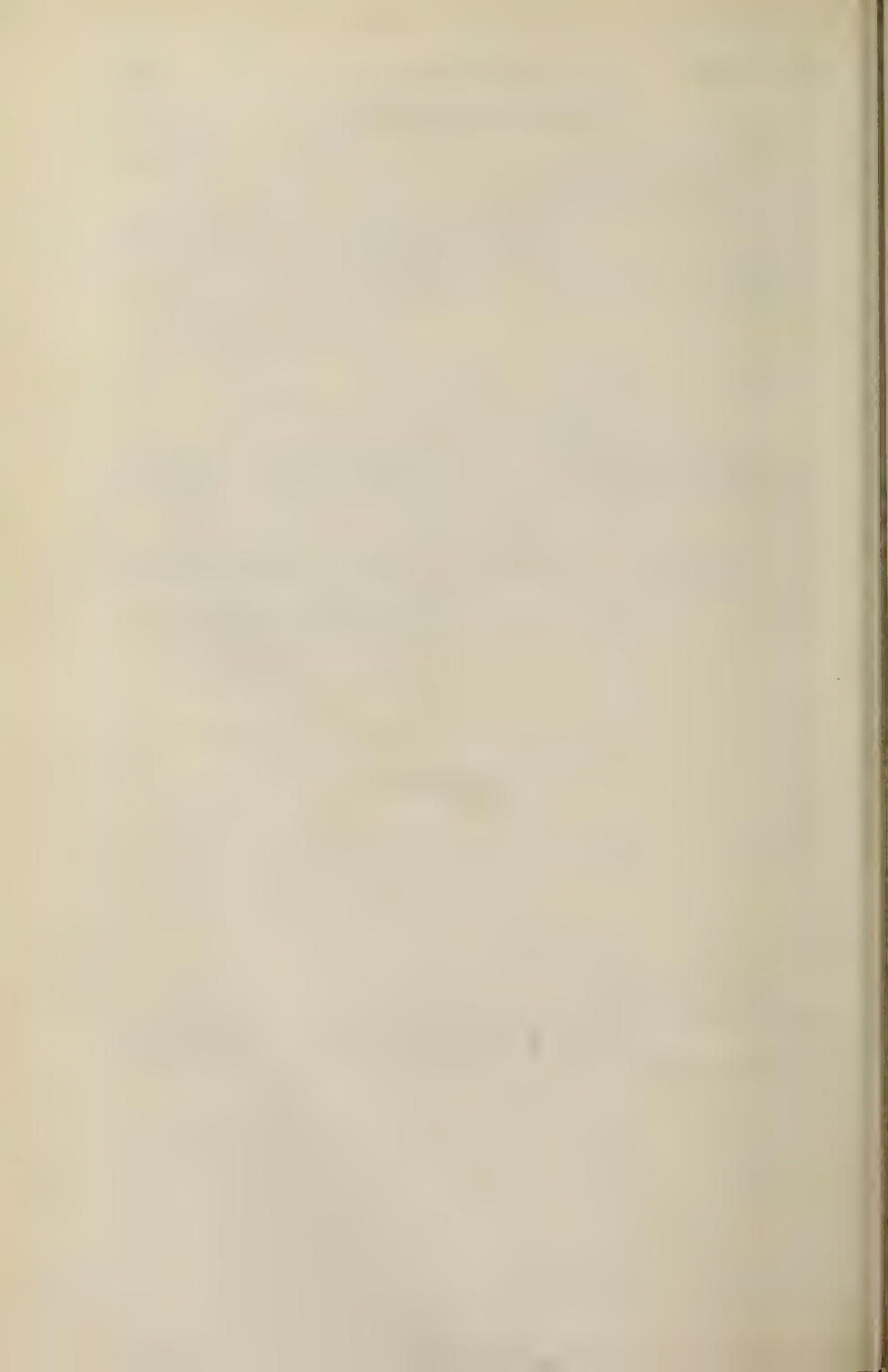
Request for Unanimous Consent

Senator Hugh M. Burns asked for, and was granted, unanimous consent to have 1,000 copies of the report of the Committee on Vocational and Professional Standards and Procedure printed for distribution.

ADJOURNMENT

At 2.25 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 2 p.m., Wednesday, March 9, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-FOURTH LEGISLATIVE DAY

SIXTY-SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, March 9, 1949

The Senate met at 2 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—35.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Michael J. Burns, on motion of Senator Powers, due to legislative business.

Senator Mayo, on motion of Senator Powers, due to legislative business.

Senator Swing, on motion of Senator Powers, due to legislative business.

Senator Abshire, on motion of Senator Powers, due to legislative business.

Senator Dilworth, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ralph R. Burkdoll and Ray Hill of Cutler; H. H. McKellar and Eugene Maxwell of Visalia.

On request of Senator Hugh M. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. James D. Garibaldi of Balboa and Mrs. Mildred Fitzwilliams and Joyce Ann of Sacramento.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John L. Compton and Ernest C. Hunter of Bakersfield.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Roger Kent of Kentfield.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 38

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, March 9, 1949

MR. PRESIDENT: The Committee on Finance, to which was referred:

Senate Bill No. 167

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, March 9, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Senate Bill No. 281

Senate Bill No. 862

Senate Bill No. 863

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolution was offered:

Senate Resolution No. 70

By Senators Rich, Powers, Collier, Michael J. Burns, Busch, Regan, Drobish, Johnson, Sutton, Dillinger, Coombs, Abshire, Keating, O'Gara, Gibson, Breed, Miller, Salsman, Desmond, Crittenden, Parkman, Donnelly, Judah, Hatfield, Weybret, Mayo, Cunningham, Brown, Jespersen,

Hugh M. Burns, Ward, Williams, McBride, Dorsey, Watson, Dilworth, Tenney, Hulse, and Kraft.

Relative to the dedication of the Ralph E. Swing Auditorium of the
National Orange Show

WHEREAS, The National Orange Show is a citrus fruit fair and exposition which has grown from a display of a few dozen boxes of fruit in a tent in San Bernardino in 1911 to one of the greatest of California's agricultural expositions; and

WHEREAS, Our senior Senator, the Honorable Ralph E. Swing, has been identified with the National Orange Show since its inception, having written its articles of incorporation, served as its first general manager, and as a member of its board of directors throughout its existence; and

WHEREAS, Throughout his long career as a member of the Senate, which commenced in January, 1923, Senator Swing has ever been vigilant to protect and preserve the interests of the National Orange Show, having sponsored legislation to give it official status as one of California's publicly assisted fairs and expositions; and

WHEREAS, The burdens of an extensive law practice and of a wide participation in public affairs have never prevented Senator Swing from fostering the National Orange Show at every opportunity until it has approached the fulfillment of the vision of young Ralph E. Swing in 1911; and

WHEREAS, In recognition of the fact that the Honorable Ralph E. Swing has been the guiding hand of the National Orange Show and that it has been largely through his unselfish devotion that the show has grown to its present greatness, it has been decided to dedicate the show's new exhibit structure as the Ralph E. Swing Auditorium at ceremonies to be conducted on March 10, 1949; and

WHEREAS, The Ralph E. Swing Auditorium will be one of the finest on any fair ground in the State and one of which the National Orange Show and the people of the State of California may well be proud; and

WHEREAS, It is eminently fitting that the lifetime of service of the Honorable Ralph E. Swing to the National Orange Show should be recognized as an outstanding public service to the community which he has long represented in this Senate; now, therefore, be it

Resolved by the Senate of the State of California. That the Members of the Senate are highly gratified that the long service of our esteemed colleague, the Honorable Ralph E. Swing, to the National Orange Show is to be recognized and commemorated by dedicating the new exhibit building in his name, and hereby congratulate him on the success of his long continued efforts to bring the National Orange Show to its present state of perfection; and be it further

Resolved, That the National Orange Show is felicitated not only for having had the services of such an outstanding champion over the years but also for recognizing such services in such an appropriate manner; and be it further

Resolved, That the Secretary of the Senate is directed to cause a suitably engrossed copy of this resolution to be prepared for presentation to the Honorable Ralph E. Swing.

Resolution read, and on motion by Senator Rich, was unanimously adopted.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 9, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Joint Resolution No. 23

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported resolution ordered to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1066

Senator Hatfield moved that Senate Bill No. 1066 be withdrawn from Committee on Labor for purpose of amendment, and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1066—An act to repeal Chapter 8, comprising Sections 1131 to 1136, inclusive, of Part 3 of Division 2 of the Labor Code, and to add a new Chapter 8 to Part 3 of Division 2 of that code, comprising Sections 1131 to 1140, relating to hot cargo and secondary boycotts.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 21 and 22, and in line 23 strike out "sure" and insert "Nothing contained herein shall be construed to interfere with free collective bargaining. The right to strike for a lawful purpose".

Amendment No. 2

On page 2, line 16, of said bill, after the word "an" insert "express or implied".

Amendment No. 3

On page 2 of said bill, strike out all of lines 30 to 32, inclusive.

Amendment No. 4

On page 2, line 36, of said bill, after the word "an" insert "express or implied".

Amendment No. 5

On page 2 of said bill, strike out lines 50 to 52, inclusive.

Amendment No. 6

On page 3 of said bill, strike out lines 1 to 7, inclusive, and insert "1134. Secondary Picketing. (a) Picketing for the purpose of causing, creating, instituting, or carrying out a violation of Sections 1132 or 1133 of this code is against public policy and unlawful. Nothing herein contained shall be construed to prohibit picketing, otherwise lawful, not done for such purpose.

(b) Where there is an express or implied understanding or agreement that whenever certain picketing shall occur some of the parties to such understanding or agreement will engage in any or all of the concerted actions forbidden by Sections 1132 or 1133 hereof, any picketing by or on behalf of any party to such understanding or agreement shall be against public policy and unlawful, but nothing herein contained shall prohibit picketing otherwise lawful not done for such purpose."

Amendment No. 7

On page 3, line 12 of said bill, after the word "agreement," and before the word "or" insert "lack".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

ADJOURNMENT

At 2:25 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 2 p.m., Thursday, March 10, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-FIFTH LEGISLATIVE DAY

SIXTY-SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, March 10, 1949

The Senate met at 2 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Rich, on motion of Senator Powers, due to legislative business.

Senator Mayo, on motion of Senator Powers, Due to legislative business.

Senator Swing, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney and Lieutenant Governor Knight, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter Geis of Dayton, Ohio, and Andrea Gusmano of San Francisco.

On request of Senator Salsman and Lieutenant Governor Knight, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lyle DeWitt and Mrs. Bessie DeWitt of Atwater.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Judge Leonard Wilson of Los Angeles.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. W. H. McCabe, Lieutenant Commander, U.S.N.R., of Carmel.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack T. Torbron, Sr., Marie E. Torbron, Jack T. Torbron, Jr., and Karen I. Torbron of Santa Maria.

On request of Senators O'Gara and Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Agnes Hardy and Helene Wolff of San Francisco, Clarence K. Luscliffe of Berkeley, Margery D. Williams of Mill Valley and Elvira Zetterlund of Sacramento.

On request of Senator Gibson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank O. Bell, Chairman, Board of Supervisors of Solano County; Barney Russell, ex Secretary-Manager, Vallejo Chamber of Commerce; Captain Walter Andrews, Secretary, Arms Service Committee, Vallejo Chamber of Commerce.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank E. Feliz of San Francisco.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Rice, Mrs. Arrasmith and Mrs. Wycoff, teachers, and the following students of David E. Martin School in San Lorenzo: Sonja Westerland, Joan Holland, Ann Smith, Toni Salmon, Bob Russ, Paula Healy, Dawn Wild, Gerry Wacks, John Bowers, Harold Davis, Bill Everson, Bob Gouldthorpe, Peter Lowell, Rosey Miller, Kenneth Musea, Jack Thompson, Nancy Tullach, Peter Van Etten, Jean Werner, Pat Williams, Donald Wolf, Pat Woodside, Gary Chambasel, Nancy Feliciano, Helen Gerlisho, James Gleason, Ginger Morrison, Thelma Woodruff, Ernie Wright, Lorna Burtchelt, Joanne Summy, Bobby Cannon, Donald Cash, Barbara Lustig, Barbara Thackson, John Grubie, Roe Miller, Bill Lipcon, Don Uess, Dave Duncan, Dawn Spengler, Nancy Wolverton, Bill Morgan, Marilyn Talboth, Oogie O'Brien, Ulla Collins, Dick Newell, Larry Reese, Gary Peterson, Marilyn Ivey, Rose Etta Eddens, Zolita Robinson, Carolyn Young, Donna Cope, Martha Hanson, Karen Poston, Barbara Moody, Lawrence Soares, Ronald Foreman, Emma Lou Morrill, Bill Massie, Beatrice Morrill, Curtis Stelly, Jack Skinner, Paul Omasvent, George Gower, Ken Roberts, and Ken Lauber.

COMMUNICATIONS

The following communications were received and read and ordered printed in the Journal:

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C., February 25, 1949

MY DEAR MR. BEEK:

The President has forwarded to this office a copy of your letter of February 3, 1949, together with Senate Joint Resolutions Nos. 6 and 15. Your interest in these matters is appreciated, and I wish to thank you for furnishing copies of these resolutions.

Sincerely yours,

OSCAR L. CHAPMAN
Under Secretary of the Interior

Hon. J. A. Beek, Secretary of the Senate
State of California, Sacramento, California

SAN FRANCISCO LABOR COUNCIL, February 10, 1949

*California State Senate
State Capitol, Sacramento, California*

GENTLEMEN: We are enclosing copy of a Resolution unanimously adopted at a regular meeting of the San Francisco Labor Council and ask that you support the principles embodied in the Resolution.

Sincerely yours,

SAN FRANCISCO LABOR COUNCIL
JOHN F. SHELLEY, Secretary

Resolution read, and ordered filed with the Secretary of the Senate.

LETTER OF TRANSMITTAL

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS
SACRAMENTO, January 31, 1949

*Mr. Joseph A. Beek, Secretary of the Senate
State Capitol, Sacramento, California*

DEAR SIR: In accordance with Section 143.2(f) of the Streets and Highways Code, there are transmitted herewith for the use of the Members of the Senate, 250 copies of the budget report of the Division of Highways as included in the Governor's Budget submitted to the 1949 Session of the Legislature. A limited number of additional copies are available if needed.

Respectfully submitted,

C. H. PURCELL, Director of Public Works

Letter of Transmittal ordered printed in the Journal and report ordered filed with Secretary of the Senate.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 20

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Joint Resolution No. 20—Relative to the establishment of an air force academy.

Referred to Committee on Rules.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 854

Senator Williams moved that Senate Bill No. 854 be withdrawn from Committee on Transportation for purpose of amendment and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 854—An act to add Section 953.5 to the Streets and Highways Code, relating to county highways.

Bill read second time.

Motion to Amend

Senator Williams moved the adoption of the following amendment :

Amendment No. 1

On page 1 of the printed bill strike out lines 3 to 12 inclusive and insert :

"953.5. A board of county supervisors shall maintain approaches to all rural mail boxes to conform to the type of county or state road shoulder or in lieu of this shall gravel such approaches, keep them free from obstructions such as stones and noxious weeds, and shall not interfere with the approaches to rural mail boxes that are maintained by rural patrons, except when it is necessary to do so in maintaining such county roads.

The Division of Highways in the Department of Public Works shall maintain approaches to all rural mail boxes, located on state highways, to conform to the type of state road shoulder as now used and in lieu of this shall gravel such approaches, keeping them free from obstructions such as stones and noxious weeds, and shall not interfere with the approaches to rural mail boxes that are maintained by rural patrons, except when it is necessary to do so in maintaining such state roads.

Administration of this law shall be by proper directives issued from the office of the Division of Highways and from the office of the board of county supervisors of each county. Such directives shall be issued at regular intervals so that any changes in road maintenance personnel can be informed."

Amendment read, and adopted.

Bill ordered printed and re-referred to Committee on Transportation.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented :

By Senator Judah :

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 10, 1949

MR. PRESIDENT : In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows :

An act to provide for the sale of a parcel of land under the control of the State Park Commission.

Respectfully submitted,

SENATOR H. R. JUDAH

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 10, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be re-referred to Committee on Natural Resources.

POWERS, Chairman

The roll was called, and permission granted by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jepsen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1610: By Senator Judah—An act to provide for the sale of a parcel of land under the control of the State Park Commission.

Referred to Committee on Natural Resources.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 360

Senator Hatfield moved that Senate Bill No. 360 be withdrawn from Committee on Agriculture for purpose of amendment, and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 360—An act to amend Section 1262 of the Agricultural Code, relating to produce dealers.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "of" insert a comma and "and to add Sections 1270 and 1270.5 to,".

Amendment No. 2

On page 1 of said bill, immediately following line 34, add

"SEC. 2. Section 1270 is added to the Agricultural Code, to read:

1270. It shall be unlawful for any dealer or cash buyer to contract to buy farm products from a producer for future delivery without first having made, executed, and delivered to said producer a memorandum in writing subscribed by the parties or their agents, describing the terms of the contract and specifying the price agreed upon and the approximate time of delivery.

SEC. 3. Section 1270.5 is added to the Agricultural Code, to read:

1270.5. Whenever farm products in excess of one ton net weight are purchased on a weight basis from a producer thereof by a dealer and weighing facilities are not available in the immediate locality of the delivery of said farm products, said dealer shall mail, remit or deliver to said producer within forty-eight (48) hours of delivery a copy of a public weighmaster certificate giving the true net weight of the farm products purchased."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 167—An act to provide for reversion of unexpended balance in the Vocational Rehabilitation Fund.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1 of the printed bill, in line 3, strike "Vacational" and insert "Vocational".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 281—An act to amend the Building and Loan Association Act by amending Section 2.02 thereof, relating to restrictions on corporate name, Section 2.04 thereof, relating to approval of articles of incorporation by the Building and Loan Commissioner, Section 2.07 thereof, relating to branches, Section 8.03 thereof, relating to minors and married women, Section 11.04 thereof, relating to licenses for agents and salesmen, Section 12.04 thereof, relating to foreign associations, Section 12.06 thereof, relating to restrictions on advertising, Section 13.02 thereof, relating to appointees, employees and offices of the Building and Loan Commissioner, Section 13.05 thereof, relating to general duties of such commissioner, Section 13.07 thereof, relating to appraisements, Section 13.17 thereof, relating to assessments by such commissioner for salaries and expenses, and Section 15.16 thereof, relating to supervision and control of borrowers' mutual building and loan associations; repealing Section 5.03 of said act, relating to investment certificate reserve; and adding to said act Section 2.10, relating to net worth, and Section 8.13, relating to authorization to execute certificates, all relating to building and loan associations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In the title of the printed bill, after the fifth line of such title, insert "Section 4.01 thereof, relating to guarantee stock,".

Amendment No. 2

In the title of said bill, after the sixth line of such title, insert "Section 10.03a thereof, relating to federal insurance reserve account,".

Amendment No. 3

In line 45, page 2, of said bill, after the comma, insert "or that the area where such association is to be located is adequately served by one or more existing associations or federal savings and loan associations,".

Amendment No. 4

In line 3, page 4, of said bill, after "association" insert ", that the area where the proposed branch is to be located is not adequately served by one or more existing associations or federal savings and loan associations,".

Amendment No. 5

On page 4 of said bill, strike out "unless its net worth as defined in Section 2.10" in line 50 and all of line 51, and on page 5 strike out lines 1 through 6 and insert in lieu thereof "if its investment certificate and withdrawable share reserve is less than the amount specified for such association in Section 2.10 of this act. No association issuing neither stock nor investment certificates shall open, maintain or conduct any branch unless such association shall thereafter, while maintaining such branch or branches, at each apportionment of profits, set aside to its loan reserve 1 percent of its net profits since the last prior apportionment in addition to the amount required to be so set aside by Section 10.03 of this act, until said loan reserve shall exceed the maximum amount required by said Section 10.03 for such association by the amount of fifty thousand dollars (\$50,000) for each branch so maintained or conducted."

Amendment No. 6

On page 5 of said bill, strike out lines 12 to 27, both inclusive, and in lieu thereof insert:

"Sec. 2.10. Investment Certificate and Withdrawable Share Reserve. Each association's investment certificate and withdrawable share reserve shall consist of any one, or the sum of any two or more, of the following: paid-up nonwithdrawable capital, surplus, undivided profits, loan reserve and federal insurance reserve, and also such other reserves as the commissioner may prescribe.

The specified amount of the investment certificate and withdrawable share reserve for each association shall be the sum of:

(1) The following percentages of the aggregate value of its outstanding shares and investment certificates: (a) ten percent (10%) of any amount up to and including one million dollars (\$1,000,000), (b) seven and one-half percent (7½%) of any amount in excess of one million dollars (\$1,000,000) up to and including two million dollars (\$2,000,000), (c) five percent (5%) of any amount in excess of two million dollars (\$2,000,000) up to and including five million dollars (\$5,000,000) and (d) three percent (3%) of any amount in excess of five million dollars (\$5,000,000);

(2) Twenty-five thousand dollars (\$25,000) in respect of each branch maintained by it, opened prior to October 1, 1949; and

(3) Fifty thousand dollars (\$50,000) in respect of each branch maintained by it, opened on or after October 1, 1949.

No association shall pay any dividends to stockholders or distribute any profits to stockholders if its investment certificate and withdrawable share reserve is less than, or by such payment or distribution would be reduced below, said specified amount. No association issuing investment certificates and not issuing stock shall pay any dividends to shareholders or distribute any profits to shareholders if its investment certificate and withdrawable share reserve is less than, or by such payment or distribution would be reduced below, said specified amount."

Amendment No. 7

On page 5 of said bill, strike out lines 42 to 51, both inclusive, and on page 6 of the printed bill strike out lines 1 and 2, and in lieu thereof insert "issue or receipt its investment certificate and withdrawable share reserve shall be, and for the six months immediately preceding the time of such proposed issue or receipt shall continuously have been, less than said specified amount.

For the purposes of this section, accrued interest on investment certificates and accrued dividends on shares, at the rate or rates of return determined for such investment certificates or shares (or if such rate or rates have not been determined for any period or part of a period, at the rate or rates of return most recently determined) shall be included in computing the value of outstanding shares and investment certificates, and shall be deducted in computing the amount of investment certificate and withdrawable share reserve."

Amendment No. 8

On page 6 of said bill, between lines 7 and 8, insert the following:

"SEC. 5. Section 4.01 of said act is hereby amended to read as follows:

Sec. 4.01. Description of Guarantee Stock. Guarantee stock shall be of one class, shall have a par value of not less than ten dollars (\$10) per share, and the proceeds thereof to the extent of such par value shall be set apart and, except to the extent that stock shall be reduced as hereinafter provided in this Section 4.01, shall be maintained as a fixed and permanent capital of the association. No stock shall be issued for a consideration other than cash or for a price less than the par value thereof, and when fully paid shall be kept unimpaired to the extent of its par value; provided, however, that an association with the consent of the commissioner may declare and distribute a stock dividend, and may issue stock for a consideration other than cash in connection with mergers, consolidations or transfers pursuant to Section 2.06 of this act; and provided further, that with the prior consent of the commissioner the stock of an association may be reduced by resolution of the board of directors approved by the vote or written consent of the holders of a majority in amount of the outstanding stock of such association to such amount as the commissioner shall approve. Surplus resulting from reduction of stock, however, shall not be available for dividends or other distribution to stockholders or shareholders except upon liquidation. An association may, by action of its board of directors, with the prior approval of the commissioner, apply any part or all of any paid-in or contributed surplus, or any surplus created by reduction of stock to the reduction or writing off of any deficit arising from losses or

diminution in value of its assets. The commissioner may require that the consideration for the issuance of stock be sufficient to create a paid-in surplus in an amount satisfactory to the commissioner. No association shall pay any commission or other compensation for or on account of any subscription to or sale of its stock."

Amendment No. 9

In line 8, page 6, of said bill, strike out "SEC. 5", and insert in lieu thereof "SEC. 6".

Amendment No. 10

In line 10, page 6, of said bill, strike out "SEC. 6", and insert in lieu thereof "SEC. 7".

Amendment No. 11

In line 38, page 6, of said bill, strike out "SEC. 7", and insert in lieu thereof "SEC. 8".

Amendment No. 12

On page 6 of said bill, between lines 44 and 45, insert

"SEC. 9. Section 10.03a of said act is hereby amended, effective October 1, 1950, to read as follows:

Sec. 10.03a. Federal Insurance Reserve Account. Any association by resolution of its board of directors may irrevocably establish all or any part of any reserve or surplus account for the sole purpose of absorbing losses; provided, however, that, except in the case of reserve or surplus accounts which were available prior to the adoption of such resolution for the purpose (either solely or among other things) of absorbing losses, the written consent of the commissioner shall first be obtained. If prior to the adoption of such resolution (a) the reserve or surplus account so established for the sole purpose of absorbing losses was available for the purpose (either solely or among other things) of absorbing losses, and (b) such reserve or surplus account constituted all or a part of, or counted towards, the investment certificate and withdrawable share reserve referred to in Section 2.10, the loss reserve referred to in Section 8.09, the loan reserve or the stock surplus referred to in Section 10.03, or any other reserve or surplus account required by or referred to in this act, then, such reserve or surplus account (excepting such part, if any, as may be absorbed by losses) shall continue to constitute all or a part of, or to be counted towards, such reserve or surplus account required by or referred to in this act."

Amendment No. 13

In line 45, page 6, of said bill, strike out "SEC. 8", and insert in lieu thereof "SEC. 10".

Amendment No. 14

In line 48, page 7, of said bill, strike out "SEC. 9", and insert in lieu thereof "SEC. 11".

Amendment No. 15

In line 47, page 9, of said bill, strike out "SEC. 10", and insert in lieu thereof "SEC. 12".

Amendment No. 16

In line 12, page 10, of said bill, strike out "one day", and insert in lieu thereof "five days".

Amendment No. 17

In line 16, page 10, of said bill, before "from" insert "in writing".

Amendment No. 18

In line 18, page 10, of said bill, after "thereof" insert ", but an association may issue, circulate and publish without delay any advertisement expressly approved by the commissioner".

Amendment No. 19

In line 22, page 10, of said bill, strike out "SEC. 11", and insert in lieu thereof "SEC. 13".

Amendment No. 20

In line 46, page 10, of said bill, strike out "SEC. 12", and insert in lieu thereof "SEC. 14".

Amendment No. 21

On page 11 of said bill, strike out lines 13 to 17, both inclusive, and in lieu thereof insert "thirty days after the filing thereof, unless the applicant requests, or the commissioner requires, an additional period of not to exceed thirty days, in which case the commissioner shall grant or deny such application not later than the end of such additional period".

Amendment No. 22

In line 18, page 11, of said bill, strike out "SEC. 13", and insert in lieu thereof "SEC. 15".

Amendment No. 23

In line 6, page 12, of said bill, strike out "SEC. 14", and insert in lieu thereof "SEC. 16".

Amendment No. 24

In line 49, page 12, of said bill, strike out "SEC. 15", and insert in lieu thereof "SEC. 17".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 862—An act to amend Section 1020 of the Insurance Code, relating to insolvency and delinquency proceedings.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 31 of the printed bill, after the period insert "The recording in the office of the county recorder of any county in the State of an order or injunction issued pursuant to this section, shall constitute service of such order or injunction upon any taxing agency with respect to property or interests therein located in such county."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 863—An act to add Section 10180 to the Insurance Code, relating to group life and disability insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

Strike out all of lines 8 to 14, inclusive, of the printed bill, and in lieu thereof insert "year. Any policy dividends hereafter declared, or reduction in rate of premiums hereafter made or continued for the first or any subsequent year of insurance, under any such group policy heretofore or hereafter issued, may be applied to reduce the master policyholder's part of the cost of such insurance, except that if the aggregate dividends or refunds or credits under such group policy and any other group policy or contract issued to the master policyholder exceed the aggregate contributions of the master policyholder towards the cost of the coverages, such excess shall be applied by him for the sole benefit of the group of persons insured thereunder."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

THIRD READING OF SENATE BILLS

Senate Joint Resolution No. 23—Relative to the Upper Colorado River Basin Compact.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth,

Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, Watson, Weybret, and Williams—36.
 NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Crittenden asked for, and was granted, unanimous consent to have the following opinion of the Legislative Counsel regarding, "County Regulation of Gold Dredging" printed in the Journal.

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
 SACRAMENTO 2, CALIFORNIA, March 8, 1949

Hon. Bradford S. Crittenden
 Senate Chamber

County Regulation of Gold Dredging—No. 4716

DEAR SENATOR CRITTENDEN: Your request asks whether the regulation of gold dredging is wholly a matter within the state legislative field or if county boards of supervisors may deal with the subject by ordinance.

In our opinion boards of supervisors may make and enforce within the limits of the county an ordinance regulating mine operations provided the ordinance does not conflict with the general laws enacted by the Legislature. Such an ordinance would necessarily have to be drafted so as to conform to the rules of constitutional law with regard to the proper exercise of police power.

The early case of *In Re Ackerman*, 6 Cal. App. 5 is in point with regard to this question and is still the law today. In this case the court said in part:

"But counties, cities and towns are not required to seek in any legislative enactment for the source of their power to make and enforce within their respective limits all local, police, sanitary and other regulations which they may deem needful and requisite for their welfare and that of their inhabitants. The Constitution has, by direct grant, vested in them plenary power to provide and enforce such police, sanitary and other local regulations as they may determine shall be necessary for the health, peace, comfort and happiness of their inhabitants, provided such regulations do not conflict with general laws. (Const. Art. XI, Sec. 11.) And the Legislature has no authority to limit the exercise of the power thus directly conferred upon cities, counties and towns by the organic law. The only test is, therefore, do such regulations conflict with any general law of the State? If they do not, then they have binding authority upon all inhabitants of the city or county or town for which they are established upon all the subjects to which they relate and which legitimately come within the scope of the power granted by the Constitution."

We know of no general laws or code sections enacted by the State Legislature that would prevent a county from enacting an ordinance regulating gold dredging. The Public Resources Code has provided for placer mining districts and in Section 2602 provides that hydraulic mining may be carried on within the State provided it does not materially damage any navigable stream or lands adjacent thereto. These statutes do not attempt to fully regulate such hydraulic mining and as they do not preempt the field therefore the counties may legitimately enact further regulations.

We have not in this opinion attempted to discuss at length the numerous cases involving the scope of the police power and regulatory power of the State, particularly with reference to natural resources and we assume from your inquiry that you merely desire a general indication of the power of the counties of this State to enact such regulations. The following cases substantiate the above statement of the law on this question:

Ex parte Lacey (1895), 108 Cal. 326

Ex parte McClain (1901), 134 Cal. 110

People v. Willert (1939), 37 Cal. App. 2d 729, 733

Wilton v. Henkin (1942), 52 Cal. App. 2d 368, 372.

In addition the recent federal case of *Merced Dredging Co. v. Merced County* (1946), 67 Federal Supplement 598, reaffirms the above statement of the law in regard to the power of the counties of this State to regulate hydraulic mining and dredging operations. If you wish us to go into more detail on this matter we shall be glad to do so.

Very truly yours,

FRED B. WOOD, Legislative Counsel
 By ROBERT E. NISBET, Deputy

ADJOURNMENT

At 2.30 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 10.30 a.m., Friday, March 11, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-SIXTH LEGISLATIVE DAY

SIXTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, March 11, 1949

The Senate met at 10.30 a.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Powers, Rich, Sutton, Ward, Watson, Weybret, and Williams—29.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Crittenden, on motion of Senator Keating, due to legislative business.

Senator Gibson, on motion of Senator Keating, due to legislative business.

Senator Hatfield, on motion of Senator Keating, due to legislative business.

Senator McBride, on motion of Senator Keating, due to legislative business.

Senator Regan, on motion of Senator Keating, due to legislative business.

Senator Salsman, on motion of Senator Keating, due to legislative business.

Senator Swing, on motion of Senator Keating, due to legislative business.

Senator Tenney, on motion of Senator Keating, due to legislative business.

Senator Mayo, on motion of Senator Keating, due to legislative business.

Senator Dillinger, on motion of Senator Jespersen, due to legislative business.

Senator Parkman, on motion of Senator Brown, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Oliver Howell of Bakersfield.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 11, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 167

And reports the same correctly engrossed.

POWERS, Chairman

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 691

Senator Abshire moved that Senate Bill No. 691 be withdrawn from Committee on Natural Resources for purpose of amendment, and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 691—An act to add Section 5012.2 to the Public Resources Code, relating to public utility structures and easements across state park lands.

Bill read second time.

Motion to Amend

Senator Abshire moved the adoption of the following amendments:

Amendment No. 1

In the title of the bill, strike out "add Section 5012.2", and insert "amend Section 5012.1".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 12, inclusive, and insert "SECTION 1. Section 5012.1 of the Public Resources Code is amended to read: 5012.1. The State Park Commission upon application by any public utility, either publicly or privately owned, [may] *shall* specify the location, manner of construction, and maintenance of light, power, gas, water, telephone and telegraph lines across state park lands under the jurisdiction of the State Park Commission [when] *unless* the commission finds that the construction and maintenance of such utility structures [do not] *unduly and measurably* interfere with the development, use and enjoyment of the State Park System, provided that if at any time the location of such structures interferes with the development, use and enjoyment of the state park on which they are located they will, on demand of the commission, be moved to another location, designated by the commission, at the expense of the owner thereof.

The commission may, upon application therefor, grant easements, upon terms and conditions prescribed by the commission, for such public utility structures across

state park lands when in their judgment the public necessity requires that the structure be permanent and the nature of the structure may reasonably be permanently located or may be of a nature, such as underground construction, that would not interfere with the development of the state park."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1378

Senator Abshire moved that Senate Bill No. 1378 be withdrawn from Committee on Agriculture for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1378—An act making an appropriation to the Department of Agriculture for maintenance of highway inspection stations for fruits, nuts, and vegetables.

Bill read second time.

Motion to Amend

Senator Abshire moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "for" and insert "to serve primarily the north coastal region in the".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 390

Senator Desmond moved that Senate Bill No. 390 be withdrawn from Committee on Agriculture for purpose of amendment, and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 390—An act to amend Section 626 of the Agricultural Code, relating to skim milk.

Bill read second time.

Motion to Amend

Senator Desmond moved the adoption of the following amendments:

Amendment No. 1

Strike out lines 3 to 6, inclusive, and insert the following "626. Skim milk or nonfat milk is the product resulting from the complete or partial removal of milk fat from milk. It shall contain not more than twenty-five hundredths of 1 percent of milk fat and not less than 8.5 percent of milk solids not fat. Skim milk shall conform to the".

Amendment No. 2

Following the period in line 15, strike out the remainder and all of lines 16 and 17.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 393

Senator Desmond moved that Senate Bill No. 393 be withdrawn from Committee on Agriculture for purpose of amendment, and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 393—An act to amend Sections 730.2, 731, 733, and 734 of, and to add a new Article 3, consisting of Section 734.5 to, the Agricultural Code, relating to the marketing of milk and other dairy products.

Bill read second time.

Motion to Amend

Senator Desmond moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill, strike out lines 3 to 28, inclusive, and insert

"1. No payment of money, credit, compensation, gift or loan of anything of value may be allowed or given to a wholesale customer for advertising or display in connection with the sale of a distributor's milk or cream or dairy products, or for the privilege of placing a sign, advertisement or other advertising material in, on or adjoining any premises occupied by such wholesale customer.

2. No outside advertising may advertise items other than the distributor's milk, cream and dairy products and items made from the same, except that the distributor may allocate not in excess of one-third of the advertising space to customer advertising.

3. Inside advertising material furnished by a distributor shall be confined and limited to the advertising of the milk, cream or dairy products manufactured by and/or distributed by the manufacturer or distributor of said milk, cream or dairy products and/or their agents and may include the name, brand, price or description of

The milk, cream and/or dairy products of said manufacturer or distributor.

Fountain products which contain the milk, cream or dairy products as ingredients. Dessert items customarily sold in conjunction with the said milk, cream or dairy products."

Amendment No. 2

On page 3 of the printed bill, strike out the period in line 47 and the remainder and all of lines 48 to 50, inclusive, and insert "and shall include installation or maintenance for the life of said contract provided the distributor agrees to perform or cause to be performed such service."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 686

Senator Desmond moved that Senate Bill No. 686 be withdrawn from Committee on Judiciary for purpose of amendment and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 686—An act to add Section 2924e to the Civil Code, relating to presumption of payment of obligation secured by deed of trust.

Bill read second time.

Motion to Amend

Senator Desmond moved the adoption of the following amendments:

Amendment No. 1

In the first line of the title of the printed bill, strike out "Section" and insert "Sections".

Amendment No. 2

In the first line of the title of the printed bill, after "2924e", insert "and 2924f".

Amendment No. 3

On page 1, after line 15, of the printed bill, insert

"Sec. 2. Section 2924f is hereby added to the Civil Code, to read as follows:

2924f. The provisions of this section apply to any deed of trust (a) which has been of record for more than twenty years; (b) which has been executed by a person other than one seeking the benefits of this section; (c) which does not on its face specify the maturity date of the promissory note or other obligation which it secures. In the office of the recorder of each county wherein the trust property or some part or parcel thereof is situated, there may be recorded an affidavit containing at least substantially the following statements: "Affiant is the owner of an interest in real property situated in the County of _____, State of California, which is more particularly described in the deed of trust recorded on the _____ day of _____, 19____, in Book _____ of _____ at Page _____, records in the office of the recorder of said county, which deed of trust was executed by _____ as the trustor (or trustors) and in which _____ is (are) named as the trustee (or trustees) and _____ is (are) named as the beneficiary (or beneficiaries); said deed of trust was not executed by affiant; affiant does not know the maturity date of the promissory note or other obligation secured by said deed of trust; since affiant has owned his interest in said real property, no demand has been made upon him for the payment of such promissory note or the performance of such other obligation; affiant has no knowledge of any pending or contemplated proceedings for the sale of said real property, or any part thereof, under or pursuant to the terms of said deed of trust." The affiant shall also have his signature acknowledged before such affidavit may be recorded. Within one hundred twenty days after such affidavit has been recorded, a notice of default or notice of sale may be recorded as provided in Section 2924, whereupon the same proceedings may be had as though such affidavit had never been recorded; otherwise, at the expiration of such 120-day period, it shall be conclusively presumed that the promissory note or other obligation has been fully paid or otherwise satisfied and that the affiant is a person entitled to a reconveyance of said property."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 11, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Assembly Joint Resolution No. 20

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 3; absent 2.

POWERS, Chairman

Request for Unanimous Consent

Senator Dilworth asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 20, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 20

Assembly Joint Resolution No. 20—Relative to the establishment of an air force academy.

Resolution read, and presented by Senator Dilworth.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, O'Gara, Powers, Rich, Sutton, Watson, and Williams—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 167—An act to provide for reversion of unexpended balance in the Vocational Rehabilitation Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Powers, Rich, Sutton, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

ADJOURNMENT

At 10.48 a.m., on motion of Senator Keating, the President declared the Senate adjourned until 2 p.m., Monday, March 14, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-SEVENTH LEGISLATIVE DAY

SEVENTY-FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, March 14, 1949

The Senate met at 2 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Busch, on motion of Senator Powers, due to legislative business.

Senator Miller, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elmer Larsen of Stockton.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Jack Gilchrist of San Francisco.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Florence Shinn, Lucille Jones, and Mrs. Elsie Moore, all of San Pedro.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Charles M. Abro of Los Angeles.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. David Rice, Vice Principal; Mrs. Katherine Zachariades, teacher; Mrs. Elizabeth Lawson, Mrs. Zola Fowler, Mrs. Wanda Galetti and Mrs. Lorraine Ducey, parents, and the following students of David E. Martin School at San Lorenzo: Robert Agee, Richard Anderson, Darlene Barnes, Jerry Brown, Marilyn Bumgarner, Paula Butts, Richard Cardoza, Joyce Coffie, Carolyn Crosier, Gary DeGraw, Albert Dezier, Robert Ducey, Connie Dunlap, Gail Ellis, Bonnie Fowler, Consuelo Gallegos, Jimmy Glascock, Lynne Hammond, Charmaine Hanford, David Hill, Ann Husar, Jeannine Jope, Margie Junet, Chuck Keaton, Terry Keenan, Joan Lawson, Louise Lussier, Elaine Mackin, Jim Mulsaw, Nancy McElrath, Joan Porter, and Helen Woodward.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 58

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 58--Relative to new quarters for the Industrial Workshop for the Blind in Los Angeles.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1574

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 1574--An act to add Sections 255 and 256 to the Agricultural Code, relating to bovine tuberculosis, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 24

Assembly Joint Resolution No. 25

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Joint Resolution No. 24—Relative to the Upper Colorado River Basin Compact.

Referred to Committee on Rules.

Assembly Joint Resolution No. 25—Relative to memorializing and petitioning the Congress of the United States to enact the necessary legislation to make the Corona Naval Hospital in Riverside County, California, available to the Veterans Administration.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 373

Assembly Bill No. 377

Assembly Bill No. 651

Assembly Bill No. 652

Assembly Bill No. 998

Assembly Bill No. 1096

Assembly Bill No. 1472

Assembly Bill No. 1813

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 55

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 373—An act to amend Section 7026 and repeal Section 7027 of, and to add Sections 7050, 7051, 7052, and 7053 to, the Business and Professions Code, relating to contractors.

Referred to Committee on Business and Professions.

Assembly Bill No. 377—An act to add Section 13001.2 to the Education Code, relating to the confirmation of prior employment of certificated employees of school districts, and the conditions therefor.

Referred to Committee on Education.

Assembly Bill No. 651—An act to add Section 18707 to the Education Code, relating to the sale of materials by school districts to pupils.

Referred to Committee on Education.

Assembly Bill No. 652—An act to amend Section 11671 of the Education Code, relating to textbooks for pupils in classes for adults.
Referred to Committee on Education.

Assembly Bill No. 998—An act to add Section 20343.3 to the Education Code, relating to state college fees.
Referred to Committee on Education.

Assembly Bill No. 1096—An act to add Section 20800 to the Education Code, relating to the payment of expenses of graduates of the California School for the Deaf attending Gallaudet College.
Referred to Committee on Education.

Assembly Bill No. 1472—An act to amend Section 22 of the Bank and Corporation Franchise Tax Act, relating to the appointment of the Franchise Tax Commissioner.
Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1813—An act to add Section 19314 to the Education Code, relating to retirement contributions of cafeteria employees, and declaring the urgency thereof, to take effect immediately.
Referred to Committee on Education.

Assembly Concurrent Resolution No. 55—Relative to persecution of religious sects of all communist-controlled nations.
Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Education

SENATE CHAMBER, SACRAMENTO, March 11, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:
Senate Bill No. 702

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 11, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:
Senate Bill No. 64

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 11, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 228	Senate Bill No. 470
Senate Bill No. 229	Senate Bill No. 852
Senate Bill No. 263	Senate Bill No. 1034
Senate Bill No. 272	Senate Bill No. 1035
Senate Bill No. 322	Senate Bill No. 1362

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 72

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named Senator for the amount set opposite his name, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due him by law, for attendance upon the 1949 Regular Session of the Legislature.

Senator	County	Mileage	Total at 5 cents per mile
Swing, Ralph E.	San Bernardino	1,016	\$50.80

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—35.

NOES—None.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY JOINT
RESOLUTION NO. 24

Senator Hulse moved that Assembly Joint Resolution No. 24 be withdrawn from Committee on Rules for purpose of consideration:

Motion carried.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 24

Assembly Joint Resolution No. 24—Relative to the Upper Colorado River Basin Compact.

Resolution read, and presented by Senator Hulse.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

RESOLUTIONS

The following resolution was offered:

By Senators Hatfield, Cunningham, Abshire, Hugh M. Burns, Brown, Coombs, Johnson, and Mayo:

Senate Resolution No. 73

Relating to the grape and wine industry

WHEREAS, The production of grapes and wine is one of the largest agricultural industries of the State of California, and the maintenance of a sound grape and wine industry is essential to the economic welfare of this State, and

WHEREAS, Certain states have enacted laws or adopted regulations or threaten to enact legislation or adopt regulations restricting the sale of California wine in such states, or by means of the imposition of discriminatory or unreasonably high taxes or by discriminatory methods of distribution have or threaten to create obstacles to the distribution of California wine, and trade barriers which would result in the serious loss of markets for California wine, and

WHEREAS, The creation of such discriminatory trade barriers is contrary to the fundamental concept of our democratic government and is detrimental to the best interests of all of the states, and

WHEREAS, The free interchange of agricultural and manufactured products without discriminatory trade barriers would best serve the economic welfare and interests of all states; now, therefore, be it

Resolved by the Senate of the State of California, That it does hereby protest against existing or threatened legislation or regulation by any state which has created or would create trade barriers affecting California grapes and wine; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send copies of this resolution to the Governor and presiding officers and members of the legislatures in states which in the determination of the California Commission on Interstate Cooperation have adopted or are threatening to adopt trade barriers against California grapes and wines.

Resolution read, and on motion of Senator Hatfield, unanimously adopted.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 106

Senator Regan moved that Senate Bill No. 106 be withdrawn from Committee on Labor for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 106—An act to amend Sections 4452, 4453, and 4456 of the Labor Code, dealing with workmen's compensation.

Bill read second time.

Motion to Amend

Senator Regan moved the adoption of the following amendments:

Amendment No. 1

On line 2 of the title of the printed bill, as amended in Senate January 28, 1949, after "of" insert "and to add Section 4458.5 to".

Amendment No. 2

On page 3, of said bill, after line 30, insert

"SEC. 4. Section 4458.5 is added to said code, to read:

4458.5. Any minor or adult impressed or ordered into fire control service as provided by Section 4010 of the Public Resources Code who suffers injury or the dependents of such person who suffers death while in the performance of the impressed or ordered duties shall receive benefits as provided for a male member registered as an active fire

fighting member of a regularly organized volunteer fire department by the provisions of Section 4458 of this code."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 577

Senator Regan moved that Senate Bill No. 577 be withdrawn from Committee on Natural Resources for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 577—An act to add Section 5003.6 to the Public Resources Code, relating to highway and road easements across state park lands.

Bill read second time.

Motion to Amend

Senator Regan moved the adoption of the following amendments:

Amendment No. 1

On line 1 of the title of the printed bill after "act" insert "to amend Section 5003.5 of and".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 and 2 and insert

"SECTION 1. Section 5003.5 of the Public Resources Code is amended to read: 5003.5. The State Park Commission [is authorized to] *shall* provide means of ingress to and egress from all state parks in order to provide ready access thereto by the public and [to] *shall* provide means of ingress and egress to highways and roads across state parks from lands separated from such highways and roads by state parks, and for that purpose [may] *shall* enter into contracts or agreements with cities, counties, and other political subdivisions of the State and with other state agencies or with persons, firms or corporations for the acquisition, construction, and maintenance of suitable roads, trails, and pathways.

SEC. 2. Section 5003.6 is added to said code, to read:"

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2374

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 48

Assembly Joint Resolution No. 22

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 2374—An act to amend Section 13836 of the Education Code, relating to the payment of salaries of certificated employees.

Referred to Committee on Education.

Assembly Concurrent Resolution No. 48—Relating to accountants.

Referred to Committee on Rules.

Assembly Joint Resolution No. 22—Relative to reimbursing counties for the loss of revenue caused by federal ownership of lands within the counties.

Referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT

Senator Powers asked for, and was granted, unanimous consent to have the following airline schedule between Los Angeles and Sacramento printed in the Journal:

It has come to my attention that the airline schedule between Los Angeles and Sacramento has been changed for the benefit of the legislators as follows:

United Airlines will operate a legislative special flight between these two points departing from Sacramento on adjournment every Friday (temporarily 3 p.m.) and will depart from Los Angeles at 8 p.m. every Sunday evening.

Burbank will also be served as an intermediate stop both going and coming. Reservations can be made through United Air Lines Sacramento or Los Angeles reservation offices or through Mr. Tom Murphy at the Sacramento Hotel.

SCHEDULE:	Lv. Sacramento	3.00 p.m.
	Ar. Burbank	5.10 p.m.
	Ar. Los Angeles	5.30 p.m.
	Lv. Los Angeles	8.00 p.m.
	Lv. Burbank	8.15 p.m.
	Ar. Sacramento	10.30 p.m.

ADJOURNMENT

At 2.45 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 2 p.m., Tuesday, March 15, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-EIGHTH LEGISLATIVE DAY

SEVENTY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, March 15, 1949

The Senate met at 2 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Rich, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Weybret, Judah, and Lieutenant Governor Knight, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. M. C. Hall of Santa Cruz.

On request of Senators Sutton and Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Kelly B. McGuire of Fort Bragg.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Bayless of Hilt.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John Terry.

principal and the following students of Tamalpais School for Boys at San Rafael: Peter Hayward, Ned Little, Scott Hinds, Jim Stewart, Herbert Swedlund, George Wursburg, Ernie Gates, and John Upston.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. E. Bagshaw, District Attorney of Marin County, and E. N. Baty of Paradise Cove.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ellen Douglas Moule, instructor and the following students of Stockton Junior College at Stockton: Marylin Abbott, John Boston, Joyce Bigelow, Bill Hardey, Marian Isaak, Grace Savidge, Joe Scott, Barbara Perigree, Mee Yoke Wong, Pat Wong, Max Wright, Rosetta Yenrick, Georgia Zeb, Elsie Bertaina, Diana Getti, Billy Joe Bretz, Bob Burks, Robert Byers, Jim Davenport, Ardyth Davis, Hazel Dean, Donna Ellis, Marvin Gobell, Jack Hunter, Bill Kester, Maurice Lafferty, Wilburn Langlotz, and Richard Ochlsner.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Evelyn McClay and Alma V. Linton, teachers, and the following students of Abraham Lincoln High School at San Jose: Jim Trowbridge, George Prussia, Ray Kramer, George Kirby, Raymond Lazatera, Alberta Beall, Janet Trittschuh, Bobbie Tarlow, Roberta Norton, Joyce Webster, Lora Haines, Joan Igram, Betsy Tisdale, Marilyn Rothholz, Henry Down, Ronald Wren, Bob Klousnes, Rita Espinosa, Rosario Sunyer, Carma Austin, Howard Wood, Charlotte Cuneo, Ronald Keesling, Phyllis Filben, Beverly Juren, Marguerite Clayton, Laura Willson, Joan Jeffe, Peggy Ross, Jerry Saxon, Charlene Jacop, Lauren Swanson, Jeanne Saxon, Stephanie Martin, Fred De Klotz, Lois Olson, Dick DiSalvo, Lee Livingston, and Bob Kelty.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Vejby, Vice Principal, Harold Wood, teacher, and the following students of the Ashland School at San Lorenzo: David Alley, George Cameron, Billy Hager, Richard Koenig, Johnny Rebiejo, Lawrence Rose, Howard Rugg, Frank Bauer, Joyce Bianchi, Carolyn Blizzard, Lois Breece, Marlene Cobb, Kathleen Connolly, Joan Costello, Dorothy Depner, Ruthann Duncan, Barbara Furtado, Narcia Garcia, Dimple James, Phyllis Kellogg, David Magnuson, Joe Ventura, Pearl Castro, Joann Gatti, Barbara Hansen, Elsie Lockwood, Beverly Patterson, Joyce Robinson, Dorothy Webb, Betty Stensland, and Jean Willmore.

LETTER OF TRANSMITTAL

STATE OF CALIFORNIA, DEPARTMENT OF SOCIAL WELFARE

SACRAMENTO, March 11, 1949

*Mr. Joseph A. Beek, Secretary
California State Senate
State Capitol, Sacramento, California*

DEAR MR. BEEK: In accordance with the provisions of Item 337.5 of Section 2 of the Budget Act of 1948, I have the pleasure of forwarding to you a report on the survey of the private schools of the State of California, together with my recommendations regarding legislation.

Very sincerely yours,

MYRTLE WILLIAMS, Director
Department of Social Welfare

Letter of Transmittal ordered printed in the Journal and report ordered filed with the Secretary of the Senate.

REQUEST FOR UNANIMOUS CONSENT

Senator Abshire asked for, and was granted, unanimous consent to have the following poem by Howard T. Mitchell, "In Memoriam to Senator Herbert W. Slater," printed in the Journal:

The Great Adventure

(In Memoriam to Senator Herbert W. Slater)

They pass by, with problems in daily strife
To see, to feel, and to report on life;
This is a timely work, my constant joy
"Do unto others," to aid, I will employ.

My fellow men need me to serve them well
Heal the saddened heart, with fears to quell;
The Golden State, its laws I will help frame
For California, more lustre to her name.

Life to be even, must afford fair chance
The needy, the infirm, their lot to enhance;
Lift high the torch, that men may truly see
Our land shall preserve liberty for the free.

Riches vanish, trials and errors do pass
Yet, in the heart, one's soul forever cast;
Love of friends, to all mankind we assure
Immortal will be—The Great Adventure.

—HOWARD T. MITCHELL
Valley of the Moon
Kenwood

LETTER OF TRANSMITTAL

STATE OF CALIFORNIA, DEPARTMENT OF CORRECTIONS
SACRAMENTO 14, March 11, 1949

The Honorable Earl Warren
Governor of California
The Honorable Goodwin J. Knight
President of the Senate
The Honorable Sam L. Collins
Speaker of the Assembly

Pursuant to Section 6028.3 Penal Code I have the honor, in behalf of the State Board of Corrections, to transmit Part II of the Second Progress Report of the Special Crime Study Commission on Organized Crime, together with copies of the Second Progress Reports of the Special Crime Study Commissions on Criminal Law and Procedure, Adult Corrections and Release Procedures, Juvenile Justice, and Social and Economic Causes of Crime and Delinquency.

Very truly yours,

RICHARD A. MCGEE, Chairman
State Board of Corrections

Motion to Print Letter of Transmittal and Refer Report

Senator Powers moved that the Letter of Transmittal be printed in the Journal and the report be referred to Committee on Governmental Efficiency.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 37

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By JOHN WENDT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 707

Assembly Bill No. 1073

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 57

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 707—An act to amend Sections 19601.5 and 19607 of, and to add Sections 19604.1 and 19619 to the Education Code, relating to child care centers and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 1073—An act to add Section 1304.1 to the Education Code, relating to superintendents of schools of unified school districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Concurrent Resolution No. 57—Relative to the establishment of continuous and full-time instruction for San Quentin Prison guards.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, March 15, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Assembly Concurrent Resolution No. 16

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 13; committee vote: Ayes 8; absent 5.

COLLIER, Chairman

Above reported resolution ordered to third reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, March 14, 1949

MR. PRESIDENT: The Committee on Water Resources, to which were referred:

Senate Bill No. 286

Senate Bill No. 472

Senate Bill No. 537

Has had the same under consideration and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

DONNELLY, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 14, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:
Senate Joint Resolution No. 21

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

DONNELLY, Chairman

Above reported resolution ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 15, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1119

Senate Bill No. 1365

Senate Bill No. 1338

Senate Bill No. 1484

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 34

Senate Bill No. 567

Senate Bill No. 37

Senate Bill No. 590

Senate Bill No. 70

Senate Bill No. 750

Senate Bill No. 78

Senate Bill No. 767

Senate Bill No. 82

Senate Bill No. 768

Senate Bill No. 219

Senate Bill No. 780

Senate Bill No. 299

Senate Bill No. 1111

Senate Bill No. 382

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 15, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Joint Resolution No. 22

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 34

Assembly Concurrent Resolution No. 58

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported resolutions ordered to third reading.

Committee on Public Health and Safety**SENATE CHAMBER, SACRAMENTO, March 15, 1949**

MR. PRESIDENT: The Committee on Public Health and Safety, to which were referred:

Senate Bill No. 95
Senate Bill No. 468

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

BREED, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency**SENATE CHAMBER, SACRAMENTO, March 15, 1949**

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 33	Senate Bill No. 293
Senate Bill No. 38	Senate Bill No. 782
Senate Bill No. 74	

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

Committee on Rules**SENATE CHAMBER, SACRAMENTO, March 15, 1949**

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor, dated March 8, 1949, appointing

SHERMAN W. MACDONALD, to the Industrial Accident Commission, vice self, for the term prescribed by law, ending January 15, 1953;

EVERETT A. CORTEN, to the Industrial Accident Commission, vice self, for the term prescribed by law, ending January 15, 1953;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR**Motion to Confirm Appointments by the Governor**

Senator Powers moved that the Senate confirm and consent to the appointment of Sherman W. Macdonald and Everett A. Corten as members of the Industrial Accident Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of Sherman W. Macdonald and Everett A. Corten?"

The roll was called, with the following result:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulce, Jepsen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Garra, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Sherman W. Macdonald and Everett A. Corten, as members of the Industrial Accident Commission.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 15, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor dated March 8, 1949, appointing

MAURICE J. OSTEOMEL, to the Board of Social Work Examiners, vice Hyman Kaplan, resigned, for the term prescribed by law, ending January 15, 1953;

REV. RAYMOND J. O'FLAHERTY, to the Board of Social Work Examiners, vice self, for the term prescribed by law, ending January 15, 1953;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR

Motion to Confirm Appointments by the Governor

Senator Powers moved that the Senate confirm and consent to the appointment of Maurice J. Osteomel and Rev. Raymond J. O'Flaherty as members of the Board of Social Work Examiners.

The President put the question, "Will the Senate confirm and consent to the appointment of Maurice J. Osteomel and Rev. Raymond J. O'Flaherty?"

The roll was called, with the following result:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—34.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Maurice J. Osteomel and Reverend Raymond J. O'Flaherty, as members of the Board of Social Work Examiners.

REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, March 15, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Senate Bill No. 1177

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Transportation.

Committee membership 13; committee vote: Ayes 8; absent 5.

COLLIER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Assembly Bill No. 802

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 8; absent 5.

COLLIER, Chairman

Above reported bill ordered to second reading.

MOTION TO APPROVE JOURNALS

Senator Powers moved that the Journals for Monday, March 7, 1949; Tuesday, March 8, 1949; Wednesday, March 9, 1949; Thursday, March

10, 1949; and Friday, March 11, 1949 be approved as corrected by the Minute Clerk and the Journal Clerk.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 153

Senator Tenney moved that Senate Bill No. 153 be withdrawn from Committee on Governmental Efficiency for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 153—An act to authorize counties to establish and maintain retirement, disability and death benefit plans for peace officers, foresters, fire wardens and firemen; to permit the inclusion therein of city police officers and city firemen; to authorize the levy of taxes by such counties and cities to fund the county and city's share of the cost and expense of such plan; and in connection therewith, to add Chapter 6 to Part 3, Title 3, Division 4 of the Government Code.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill, strike out lines 15 to 17, inclusive, and insert "appointed deputies, detectives and investigators in the office of the district attorney whose duties are substantially similar to those of peace officers and marshals and deputy marshals. Clerks,"

Amendment No. 2

On page 2, line 19, of said bill, after the word "sheriffs", insert "or deputy marshals."

Amendment No. 3

On page 2, line 21, of said bill, after the word "sheriffs", insert "or deputy marshals."

Amendment No. 4

On page 2, line 22, of said bill, after the word "sheriffs", insert "or deputy marshals."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill No. 64—An act to amend Chapter 8 of Division 10 of the Education Code, relating to establishing 24-hour schools to be known as California Academies for dependent, neglected, and homeless children who require special care and supervision, and providing for the government and administration thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 2, line 47, of the printed bill, after the word "under" and before the word "Chapter", insert "Division 2,".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 228—An act to amend Section 12130 of the Education Code, relating to the general elementary credential.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 229—An act to add Section 12500 to the Education Code, relating to fees for credentials and life diplomas.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 263—An act to amend Section 8051 of the Education Code, relating to the performance of services by governing boards of school districts and county superintendents of schools.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 272—An act to amend Sections 12130.1, 12400.1, and 12402.1 of the Education Code, and to add Section 12130.2 to said code, all relating to the credentials authorizing service in the public schools, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 322—An act to add Section 20454.1 to the Education Code, relating to the giving of bonds in connection with the maintenance of Reserve Officer Training Corps units at state colleges, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 470—An act to amend Section 12126 of the Education Code, relating to credentials authorizing service in the public schools.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 852—An act to amend Sections 12127, 12128, 12129, 12130, 12131, 12134, 12135, 12136, 12137, and 12144 of the Education Code, relating to the credentials authorizing service in the public schools.

Bill read second time.

Motion to Amend

Senator Dilworth moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 28, of the printed bill, strike out "and".

Amendment No. 2

On page 2, line 29, of said bill, after "school", insert "and, if issued prior to October 1, 1949, as principal of a junior high school".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1034—An act to amend the heading of Article 3 of Chapter 9 of Division 4 and Sections 9651 and 9652 of the Education Code, relating to physically handicapped minors.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1035—An act to repeal Sections 17252 to 17261, inclusive, of the Education Code, and to add Section 17252 to said code, relating to the education of the deaf.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1362—An act to repeal Section 22048 of the Education Code, relating to the State Library.

Bill read second time, ordered engrossed, and to third reading.

ADJOURNMENT

At 2.28 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 2 p.m., Wednesday, March 16, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-NINTH LEGISLATIVE DAY

SEVENTY-THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, March 16, 1949

The Senate met at 2 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Tenney, on motion of Senator Powers, due to legislative business.

Senator Keating, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Louie Abarbaro of Weed.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Maitland S. Pennington of San Francisco, and Mr. and Mrs. Benjamin S. Hite of Los Angeles.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Thomas E. Caldecotte and Miss Micheline Angestine of Berkeley.

On request of Senator Hugh M. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Florence Dealy and Elizabeth B. Hughes of Fresno.

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank J. Solinsky, Jr., of Mokelumne Hill.

On request of Senator Gibson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Russell F. O'Hara, Jr., of Vallejo.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. M. Crowell, President; Ronald Tillner, Secretary; D. C. Thornburg, Everette Tomlinson, Homer Clark, and Sam Kronberg, Directors of the Turlock Irrigation District at Turlock.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Maude E. Tombs, Mrs. Ed Carpenter and Mrs. B. G. McClelland, of Lassen County.

On request of Senator Michael J. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Don O'Kane of Eureka.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles J. O'Neill of Riverside.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Marie Cook of Coronado.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Margarite Pace, teacher, and the following students of the Ashland School at San Lorenzo:

Claudette Alameda, Dorothy Arnold, George Brallier, Carolyn Caswell, Floyd Callaway, Bennie June Clary, Minnie Cook, Frances Davis, Marion Davis, Donald Douglas, Jane Dunn, Ronnie Hernandez, Carole Huddleson, Franklin Hammond, Reta Harris, Betty Heeren, Johnny Hermoso, Stanley Hernandez, Bob Johnson, Ted Kennison, Leland Lewis, Ann Meli, Steve Menet, Ronald Moniz, Joe Morreira, Patricia Nystrom, Marlene Reams, Roberta Redmayne, Lorna Reese, Tony Relva, Beverly Rogers, Alta Rose, Arthur Rutherford, Helen Silbavy, Saralee Smith, George Synder, Russell Talbot, Richard Thompson, Gilbert Troche, Jo Ann Brookshire, Marion Messini.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Louis Goldblatt of San Francisco.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. N. C. Keltner of Sacramento and Mr. and Mrs. H. A. Hollingshead of South Bend, Indiana.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Marie A. Barthe.

Dean of Girls, and the following students of the Livermore Union High School at Livermore: Annie Aflague, Barbara Archer, Barbara Barthe, Yvonne Bass, Bobbe Beatty, Bill Berkowitz, Richard Brinton, Richard Callaghan, Jim Clawson, Beverly Clement, Joe Dickinson, Gloria Ann Dik, Jeanette Fornaciari, Barbara Hachmann, Larry Hartman, Mary Henriques, Lou Hobbs, Jacquie Ingles, Mary Lou Kelly, Wilma Klus, Joy Michell, Bettyann Orloff, Richard Owens, Kitsy Peterman, Don Rego, Wayne Riggs, Elinor Robertson, Tom Ross, Dolores Ruiz, John Saboraria, Lois Smith, Jolene Thompson, Marlene Walker, Elisabeth Walsted, Madeline Weaver, Sue Weaver, Evelyn Weimer, and Mrs. Alice Klus.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John R. Quinn, County Assessor of Los Angeles.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lauretta Bayse and W. S. Hillie of Madera.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 15, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 228	Senate Bill No. 470
Senate Bill No. 229	Senate Bill No. 1034
Senate Bill No. 263	Senate Bill No. 1035
Senate Bill No. 272	Senate Bill No. 1362
Senate Bill No. 322	

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 34

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 64
Senate Bill No. 852

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Senate Bill No. 92	Senate Bill No. 390
Senate Bill No. 148	Senate Bill No. 392

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 13.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:
Senate Bill No. 393

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 13.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 560

Senate Bill No. 1512

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 41

Senate Bill No. 482

Senate Bill No. 42

Senate Bill No. 753

Senate Bill No. 43

Senate Bill No. 855

Senate Bill No. 44

Senate Bill No. 895

Senate Bill No. 79

Senate Bill No. 765

Senate Bill No. 195

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which was referred:

Senate Bill No. 371

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

MCBRIDE, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 47

Assembly Concurrent Resolution No. 54

Assembly Concurrent Resolution No. 55

Assembly Joint Resolution No. 18

Assembly Joint Resolution No. 25

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 3; absent 2.

POWERS, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 52

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 5; committee vote: Ayes 3; absent 2.

POWERS, Chairman

Above reported resolution ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Brown asked for, and was granted, unanimous consent to have the following partial report of the Committee on Local Governmental Agencies printed in the Journal:

**Partial Report of Senate Committee on Local Governmental Agencies
to the Senate, the Legislature, and the People of
the State of California**

Concerning

**A Proposed Congressional Bill to Withdraw From Entry, and to Grant to the
City of Los Angeles Interests in, Certain Public Lands
in Inyo and Mono Counties**

SENATOR CHARLES BROWN, Chairman

COMMITTEE OFFICE

206 State Capitol, Sacramento, California

May ----, 1948

LETTER OF TRANSMITTAL

May ----, 1948

*To the Senate of the State of California
State Capitol, Sacramento, California*

GENTLEMEN: Your Committee on Local Governmental Agencies herewith submits its report concerning a proposed Congressional Bill to withdraw certain public lands in Inyo and Mono Counties from entry and to grant interests in those lands to the City of Los Angeles for the purposes of municipal power and water supply.

The proposed bill in its present form represents the culmination of the efforts of the representatives of the State, its agencies and its political subdivisions concerned, to draft a measure, to be presented for the consideration of the United States Congress, which would protect the interests of the State and the inhabitants of Inyo and Mono Counties as well as the interests of the City of Los Angeles.

As revised, we consider the proposed bill fair to all interests concerned.

Respectfully submitted,

CHARLES BROWN, Chairman
BRADFORD S. CRITTENDEN
GEORGE J. HATFIELD
JESSE M. MAYO
JACK B. TENNEY

Partial Report of the California Senate Committee on Local Governmental Agencies Concerning a Proposed Congressional Bill to Withdraw From Entry, and to Grant to the City of Los Angeles Interests in, Certain Public Lands in Inyo and Mono Counties

This committee, created by Senate Resolution No. 121, adopted June 20, 1947, is charged with the duty of studying facts relating to the acquisition of private and public lands within this State by local governmental agencies, particularly as to the status of cities, counties, and public districts as owners and operators of facilities and properties used by them in the service of their inhabitants, and the civil rights, duties, privileges and responsibilities of such cities, counties and districts toward their inhabitants and toward other persons and public agencies, growing out of or in any way related to their acquisition, ownership, operation or management of such facilities or properties and of reporting thereon to the Senate, to the Legislature and to the people of the State of California.

In 1945 this committee held hearings relative to applications of the City of Los Angeles Department of Water and Power to purchase certain lands in Mono County under the provisions of an Act of Congress approved June 23, 1936, 49 Stat. 1892. As a result of these hearings, this committee, in its majority report dated October 19, 1945, concluded that acquisition of title in fee of the lands concerned was not "necessary" for any of the purposes of the City of Los Angeles within the meaning of that statute.

The City of Los Angeles thereafter proposed a bill which would grant to it such interests in public lands of the United States in Inyo and Mono Counties as it believed necessary to protect it in the construction, operation, and maintenance of the Los Angeles aqueduct. This proposed bill was considered by the committee at hearings in Bridgeport on July 8, 1947, and in Sacramento on November 25, 1947, April 8, 1948, April 10, 1948, and May 7, 1948.

There was some opposition to this bill as proposed, both by inhabitants of Inyo and Mono Counties and by the agencies of the State. However, through the sincere efforts of the representatives of the City of Los Angeles, Inyo and Mono Counties, and the various agencies of the State concerned, most of these conflicts were compromised and the bill was revised in a form substantially to the satisfaction of all parties.

The proposed bill, as now revised, is entitled "A Bill to authorize the sale and grant to the City of Los Angeles, California, of certain interests in public lands, and repealing a certain act," is dated "5 19 48," contains 24 sections and is 65 pages in length. In general, it contains the following provisions:

1. Permanently withdraws approximately 282,046 acres of land in Inyo and Mono Counties from settlement, location, filing, entry or disposal upon payment of \$100,000 to the United States by the City of Los Angeles.

2. Grants to the city fee title to approximately 2,980 acres of land which are littoral to Owens Lake, reserving in the United States the right to grant rights of way in, on, over, under, through and across such lands.

3. Grants to the city the following interests in lands for the purposes of municipal power and water supply:

a. The right to raise or lower the water underlying approximately 366,176 acres of land in Inyo and Mono Counties.

b. The right to affect in any way, by raising or lowering, from time to time, the level of the waters of Mono Lake, approximately 5,010 acres of land which are littoral to Mono Lake.

c. The right to overflow, flood, submerge and spread water on approximately 129,100 acres of land in Inyo and Mono Counties.

d. The right to exclusive possession of approximately 8,530 acres of land to be used for reservoir purposes, subject to fishing, hunting and stockwatering privileges on approximately 5,000 acres of that land.

e. Easements for structures and facilities to be located, with certain limitations, in, on, over, under, through and across approximately 218,998 acres of land in Inyo and Mono Counties.

4. Approximately 216,726 acres of the lands, subject to rights of the city, shall be open for exploration, discovery, lease or patent under the mining or mineral leasing laws.

5. Approximately 218,966 acres of the lands, subject to rights of the city, shall be open to lease, license or permit to the extent and in the manner permitted under any laws of the United States applicable thereto.

6. Disavowal of any effect of bill upon any vested rights, including proprietary rights, powers or privileges of the State of California and its agencies; claims heretofore initiated; laws of the State of California relating to ownership of, or rights to the use of, water or land or the control thereof; and any sovereign right or power of the State of California.

7. Limitation on city with respect to holding, assignment, sale or disposal of interests granted.

8. Repeal of Act of Congress, approved June 23, 1936 (49 Stat. 1892), which authorizes the Secretary of the Interior to sell public lands in Mono County to the City of Los Angeles and grant rights of way over public and reserve lands to the city.

9. Removal of certain Mono County lands from effect of Act of Congress, approved March 4, 1931 (46 Stats. 1531), which withdrew certain public lands from settlement, location, filing, entry or disposal under the land laws of the United States.

In its deliberations, this committee was aided by:

Fred B. Wood, Legislative Counsel, who has advised us that the proposed bill, as revised, contains clauses which serve to protect, and to prevent its provisions from impinging upon, the legal interests and rights of the State, its agencies and lessees and of the inhabitants of Inyo and Mono Counties.

Spencer Burroughs, attorney, Division of Water Resources, and legal advisor, State Water Resources Board, who advised us that the interests of the State in the protection of, and control over, the conservation, development and utilization of its water resources are properly safeguarded by the proposed measure.

James S. Dean, Chairman, State Lands Commission, who advised us that insofar as state land and the liability of the State toward its mineral lessees is concerned, the State appears to be amply protected by the proposed bill. The advice of the State Lands Commission was supported by the personal opinion of Walter L. Bowers, Assistant Attorney General to the effect that the proposed bill does not legally affect any of the lands of the State of California under the jurisdiction of State Lands Commission.

C. R. Montgomery, attorney, Division of Contracts and Rights of Way, Department of Public Works, who advised us that the interests of the State and counties in the construction, operation and maintenance of its highways are adequately protected by the provisions in the proposed bill.

John P. McMurray, District Attorney, Inyo County, who advised us that the proposed bill is, subject to any objections by the mineral operators in Owens Lake (lessees of the State), satisfactory to the people of Inyo County.

Walter R. Evans, District Attorney, Mono County, who advised us that, in his opinion, the proposed bill, as revised, is satisfactory to the people of Mono County.

The committee was also assisted in its consideration of the proposed bill by reports and studies of Edward Hyatt, State Engineer, and his staff and the State Water Resources Board.

CONCLUSION

Based on the study made by this committee, we consider the proposed bill, as presently revised, fair to all local governmental agencies concerned and to the citizens thereof and that the interests of the State of California are amply protected.

This approval is based on the bill from the standpoint of the legal scope and effect of its provisions with relation to the State of California, its political subdivisions and its individual citizens. The question of the need of the city for the interests which would be granted to it by enactment of the bill and the question as to how such enactment might affect the interests of the United States in its public lands and in the development and utilization of power and water, are beyond the purview of this committee and on those questions we express no opinion.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1381

Senator Abshire moved that Senate Bill No. 1381 be withdrawn from Committee on Education for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1381—An act to amend Sections 4902.1, 4917.1, 4918, 4919.1, 4961, 4961.1, 4962, and 4963 of the Education Code, relating to the reorganization of school districts.

Bill read second time.

Motion to Amend

Senator Abshire moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "4902.1, 4917.1, 4918, 4919.1, 4961, 4961.1, 4962, and 4963" and insert "4918, 4919, 4961.1, and 4962, and to repeal Sections 4902.1, 4917.1, 4919.1, 4961, and 4963,".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 14, inclusive, and insert

"SECTION 1. Sections 4902.1, 4917.1, 4919.1, 4961, and 4963 of the Education Code are repealed."

Amendment No. 3

On page 1, line 15, of said bill, strike out "3", and insert "2".

Amendment No. 4

On page 1, line 20, of said bill, after "districts", insert "and assumption of bonded indebtedness".

Amendment No. 5

On page 1, line 21, of said bill, after "tricts", insert "and assumption of bonded indebtedness".

Amendment No. 6

On page 1 of said bill, strike out lines 22 to 28, inclusive.

Amendment No. 7

On page 2 of said bill, strike out lines 1 and 2.

Amendment No. 8

On page 2 of said bill, strike out lines 5 to 17, inclusive.

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 9

On page 2 of said bill, between lines 17 and 18, insert

"Sec. 3. Section 4919 of said code is amended to read:

4919. The officers of the election in each district or portion of a district in which the election is held shall canvass the votes immediately after the closing of the polls. The canvass may be continued from day to day until completed. Upon the completion of the canvass the election officers shall notify the county superintendent of schools of the votes cast for and against the proposed unification or other reorganization of school districts. The county superintendent of schools, after receiving the returns from all election officers, shall tabulate them and notify the board of supervisors of the number of votes cast for, and the number of votes cast against, the unification or other reorganization of school districts in each elementary school district or unified school district and also the total number of votes cast for, and the total number of votes cast against, the unification or other reorganization of school districts.

(1) If a majority of the total number of electors residing in the districts, or portions of districts, in which the election was held did not reside in any one elementary school district or unified school district and [a majority] *two-thirds* of all the votes cast at the election were cast in favor of unification or other reorganization, or

(2) If any one elementary school district or unified school district in which the election was held has a majority of the total number of qualified electors residing in all the districts in which the election was held, if [a majority] *two-thirds* of the votes cast within such district and [a majority] *two-thirds* of all votes cast in the other districts were cast in favor of the unification, or other reorganization, the board of supervisors in which area, or the greater part thereof, is situated, shall cause an entry of that fact to be entered in its minutes and the unification or other reorganization shall be deemed to be accomplished, subject to the provisions of Article 6 of this chapter."

Amendment No. 10

On page 2, line 18, of said bill, strike out "SEC. 6." and insert "SEC. 4."

Amendment No. 11

On page 2, line 23, of said bill, after "retaining", insert "the primary".

Amendment No. 12

On page 2, strike out lines 25 to 41, inclusive, and insert

"Sec. 5. Section 4962 of said code is amended to read:

4962. When a component district is wholly included in a unified school district, all funds, property, and obligations of the component district become the funds, property, and obligations of the unified school district. When a portion of a district is included in the unified school district, all real property of the district located in such portion becomes the real property of the unified school district and all obligations, including bonded indebtedness, incurred by the district in acquiring such real property become the obligations of the unified school district."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1382

Senator Abshire moved that Senate Bill No. 1382 be withdrawn from Committee on Education for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1382—An act to amend Section 4901 of the Education Code, relating to the reorganization of school districts.

Bill read second time.

Motion to Amend

Senator Abshire moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "at least one", and insert "all".

Amendment No. 2

On page 1, line 9, of said bill, strike out "member", and insert "members".

Amendment No. 3

On page 1, line 17, of said bill, strike out "representatives" and insert "members".

Amendments read, and adopted.

Bill ordered printed, and referred to Committee on Education.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1383

Senator Abshire moved that Senate Bill No. 1383 be withdrawn from Committee on Education for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1383—An act to amend Section 4941 of the Education Code, relating to the reorganization of school districts.

Bill read second time.

Motion to Amend

Senator Abshire moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "at large".

Amendment No. 2

On page 1, line 5, of said bill, strike out "except that in", and insert "The county committee shall divide each unified school district, established pursuant to

this chapter, into five trustee districts. In establishing the trustee districts, the county committee shall provide for representation in accordance with the population of the entire area of the unified school district and shall also take into consideration the boundaries of the former districts or parts of districts included in the unified school district. One trustee shall be elected from among the qualified electors of each of the trustee districts of the unified school district by a vote of the electors of the entire school district. In".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1280

Senator Breed moved that Senate Bill No. 1280 be withdrawn from Committee on Natural Resources for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1280—An act to revise Article 2, Chapter 1, Division 5 of the Public Resources Code, by repealing Sections 5020, 5021, 5022, and 5023 to authorize the appointment of an Historical Landmarks Advisory Committee and defining the powers and duties of said committee, the State Park Commission and the Director of Natural Resources with reference to historical buildings and landmarks and geographical names.

Bill read second time.

Motion to Amend

Senator Breed moved the adoption of the following amendments:

Amendment No. 1

In line 7 of the title of the printed bill, strike out "and geographical names."

Amendment No. 2

On page 1 of said bill, in line 6, after the word "Committee", insert "of seven members".

Amendment No. 3

On page 1 of said bill, in line 17, strike out "thorough", and insert "continuing".

Amendment No. 4

On page 1 of said bill, at the end of line 18, strike out the period and insert "and recommend to the State Park Commission those which, in its opinion, shall be officially registered."

Amendment No. 5

On page 2 of said bill, in line 8, strike out "accepting for registration", and insert "marking".

Amendment No. 6

On page 2 of said bill, in line 12, strike out "registration", and insert "marking".

Amendment No. 7

On page 2 of said bill, between lines 12 and 13, insert

"(c) The term 'landmarks' in this article shall mean historical buildings, sites and places deemed important in the economic, social, political, military and cultural annals of California."

Amendment No. 8

On page 2 of said bill, in line 20, strike out " ; provided, no such" and strike out all of lines 21 to 30, inclusive, and insert " , and upon the approval of the Director of Natural Resources, it shall maintain a register which shall identify by number and description such historical buildings and landmarks."

Amendment No. 9

On page 2 of said bill, strike out all of lines 33 to 35, inclusive, and insert "5022. The State Park Commission is authorized to contract with or cooperate with public or private agencies for suitable markers and directional signs at the site

of, or on the approaches to, registered landmarks, including signs on highways and roads. All such markers shall conform to the recommendations of the Historical Landmarks Advisory Committee as provided for in Section 5020 of this article."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 708

Senator Rich moved that Senate Bill No. 708 be withdrawn from Committee on Fish and Game for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 708—An act to amend Sections 51 and 54 of the Fish and Game Code, relating to game management.

Bill read second time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "Sections" insert "50,".

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 50 of the Fish and Game Code is amended to read:

50. In order to foster and increase the upland game bird population in the State of California, any person who owns or controls the shooting rights on a tract of land of not more than 16,000 acres, and who so handles such land as to feed, cover, and water, to make it a more suitable habitat for quail, [or] pheasants, or *chukar partridge*, may apply to the commission for a game management license authorizing the killing by shooting only, of quail, [or] pheasants, or *chukar partridge*, or either, upon such land in accordance with the provisions of this chapter, and the rules and regulations thereon as may be prescribed by the commission, from time to time, for the administration of this act. Such license may be issued for a commercial management area where a fee or charge is made for the privilege of shooting thereon; or for a noncommercial management area of not to exceed 2,500 acres, where no fee or charge is made for the privilege of shooting thereon. [If the license is issued for a commercial management area, such area must be open to any licensed hunter for shooting during the entire game management season upon the payment of such fee or charge as set forth in the application filed by the licensee with the Division of Fish and Game; providing the maximum legal number of birds have not been killed on such area. If the license is issued for a noncommercial management area and no fee or charge is made by the licensee for the privilege of shooting thereon, such area shall be open to licensed hunters during the game management season authorized for such area by the commission in such numbers and at such times and under such conditions as shall be approved by the commission at the time of the issuance of such license as being in the interest of good management of such area.]

(a) The application shall show the name and address of the applicant; whether the application is for a commercial or noncommercial license; the legal description of the tract of land, and description by exterior boundaries of the tract with reference insofar as possible to roads, rivers, railroads or natural boundaries; the species of birds the taking of which

Amendment No. 3

On page 1, line 3, of said bill, after the word "if", strike out the words "the commission is satisfied".

Amendment No. 4

On page 1, line 4, of said bill, strike out the word "that", and after the word "is" insert the word "found".

Amendment No. 5

On page 1, line 5, of said bill, strike out all the words after the word "area" and in line 6 strike out "with the public interest," and after the word "commission" strike out the word "may" and insert the word "shall".

Amendment No. 6

On page 1, line 19, of said bill, after "determine" insert "except that in each game management area licensed for pheasants, the acreage shall be qualified as follows: When a release is made after the shooting season and prior to the following April 1st, of hen pheasants and cock pheasants in the ratio of 3 to 1 the release of each hen pheasant qualifies five acres; when the release is made on or after April 1st and prior to the close of the following shooting season the release of each hen or rooster qualifies three acres.

Amendment No. 7

On page 1, line 26, of said bill, strike out "and".

Amendment No. 8

On page 1, line 27, of said bill, after "released" insert ", and two chukar partridges for each chukar partridge released".

Amendment No. 9

On page 2, line 2, of said bill, strike out "and"; and insert ", and one hen chukar partridge for each cock chukar partridge released".

Amendment No. 10

On page 2 of said bill, strike out lines 3 and 4.

Amendment No. 11

On page 2, line 5, of said bill, strike out "2", and insert "3".

Amendment No. 12

On page 2 of said bill, strike out line 9, and insert "ber 23d and terminate on or before February 23d which season shall be for not less than seventy-five (75) consecutive days in duration. The com-".

Amendment No. 13

On page 2, lines 12 and 13, of said bill, strike out "80 percent of a total number", and insert "a total number, which total shall be computed by adding 80 percent of the number of birds released pursuant to subdivision (c) of Section 51 to the number of birds that may be taken pursuant to subdivision (d) of said Section 51 and which number shall not be less than a total number, which total shall be computed by adding 70 percent of the number of birds released pursuant to subdivision (c) of Section 51 to the number of birds that may be taken pursuant to subdivision (d) of said Section 51."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 31

Senator Rich moved that Senate Bill No. 31 be withdrawn from Committee on Public Health and Safety for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 31—An act to amend Section 13554 of the Health and Safety Code, and to add Section 9535 to the Business and Professions Code, relating to the inspection of cleaning, dyeing or pressing establishments.

Bill read second time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

Strike out all of lines 1 and 2 of the title of the printed bill, and in line 3 of said title strike out "Code", and insert "An act to repeal Chapter 3, Part 2, Division 12, of the Health and Safety Code, and to add a new Article 9, Sections 9598 and 9607, both inclusive, to, and amend Section 9575 of Chapter 18, of, the Business and Professions Code."

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill strike out lines 1 to 25, inclusive, and insert "SECTION 1. Chapter 3, Part 2, Division 12, of the Health and Safety Code, consisting of Articles 1 to 6, inclusive, and Sections 13501 to 13780, inclusive, is hereby repealed.

SEC. 2. A new Article 9, Sections 9598 to 9607, inclusive, is hereby added to Chapter 18 of the Business and Professions Code, to read as follows:

Article 9. Safety and Sanitation

9598. The board may, with the approval of the State Fire Marshal, prescribe and enforce such rules and regulations as may be necessary for the prevention of fire and for the protection of life and property against the hazards of fire in any "cleaning and dyeing shop or store," "service inlet," "service outlet," "furnier," or "agency," and in any "private school or college of spotting, sponging, and pressing" as defined in this chapter. Violations of any rule or regulation made pursuant to this section shall constitute a violation of this chapter.

9599. Every room or place used as an office, showroom, workroom, or storeroom of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of a private school or college of spotting, sponging, or pressing, or of any agency of a clothes cleaning establishment, shall be completely separated from every other room or place used for cooking, eating, sleeping, or other domestic functions by a partition or partitions, the openings in which shall be equipped with doors or glazed sash, or both. No person shall cook, eat, sleep, or engage in any other domestic function in any such office, showroom, workroom, or storeroom.

9600. Every office, workroom, storeroom, or other room or place in which any of the processes of spotting, sponging, or pressing are performed, or in which any wearing apparel, feathers, furs, hats, fabrics, or textiles are kept or stored, and every roof, yard, court, passage, or other area in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall at all times be kept in good repair, free from any accumulation of dirt or debris that may constitute or give rise to a fire nuisance, and in an orderly, clean, and sanitary condition as to floors, walls, ceilings, windows, doors, woodwork, machinery, apparatus, utensils, fixtures, and furnishings.

Every office, workroom, storeroom, or other room or place specified in this section shall be adequately lighted and ventilated either by natural or mechanical means. The board shall require the lighting and ventilation to comply with the accepted standards for industrial plants.

9601. Any drying room, cabinet, or other appliance used for the purpose of drying or deodorizing in a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, shall be located, constructed, installed, ventilated, and operated in accordance with the safety standards of the board.

9602. No machine, apparatus, appliance, or device shall be used in a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, any agency of any such shop, store, or establishment, a private school or college of spotting, sponging, or pressing, or any agency of a clothes cleaning establishment, unless its operation, structural integrity, condition, and placement have been approved. Any present installation not meeting with the approval of the board as to type, construction, condition, or placement, shall be immediately removed, remodeled, reconditioned, or relocated.

9603. No person shall keep, store, or use in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a private school or college of spotting, sponging, or pressing, more than eight pounds in the aggregate of viscous, powdered, or solid volatile and inflammable products or substances. Any such products or substances in excess of one pound shall be kept or stored in approved safety containers.

9604. Except as otherwise provided in Section 9605 of this code, no person shall keep, store, or use in or upon the premises of a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, or a private school or college of spotting, sponging, or pressing, more than one gallon in the aggregate of volatile, commercially moisture-free solvents of the petroleum distillate or coal tar distillate type. Any such solvent in excess of one pint shall be kept or stored in approved safety cans.

9605. Gasoline for use in automotive vehicles or for approved purposes may be kept and stored in an approved, specified quantity in excess of one gallon in an approved manner and in an underground location on the premises of a cleaning and dyeing shop or store, of a spotting, sponging, or pressing establishment, of any agency of any such shop, store, or establishment, of a private school or college of spotting, sponging, or pressing, or of any agency of a clothes cleaning establishment, with the written permission of the board.

9606. No person shall maintain, permit, or allow a fire nuisance to exist upon any property or premises owned, leased, or occupied by him as a cleaning and dyeing shop or store, as a spotting, sponging, or pressing establishment, as a unit or department of a clothes cleaning establishment equipped for performing the service of spotting, sponging, dry-cleaning by local application, or pressing, as an agency of any such shop, store, or establishment, or as a private school or college of spotting, sponging, or pressing, after he is notified in writing by the board to remove, discontinue, or abate it.

9607. Any change in the location or ownership of a shop, store, establishment, agency, school, or college subject to the provisions of this chapter shall be reported, in writing, at the office of the board within 48 hours after the change by the person who is owner after the change.

SEC. 3. Section 9575 of the Business and Professions Code is hereby amended to read:

9575. All funds collected pursuant to this chapter shall be transmitted to the State Treasurer for deposit in the [State Treasury and shall be credited to the] Dry Cleaners' Fund which fund is hereby created. [The Cleaners' Fund is hereby abolished and the unexpended balance remaining in this fund on the effective date of this chapter shall, on order of the State Controller, be transferred to the Dry Cleaners' Fund.] The Dry Cleaners' Fund is appropriated as follows:

(1) An amount equal to seventy-five percent (75%) of all fees collected and deposited in said fund, up to a maximum of [sixty thousand dollars (\$60,000)] *forty-five thousand dollars (\$45,000)* for any fiscal year, shall be transferred by the Controller and deposited in the [State Fire Marshal's Fund or, if the State Fire Marshal's Fund is abolished, in any other fund from which appropriations are made for the support of the office of the State Fire Marshal] *General Fund*.

(2) All of the balance of said fund shall be available for expenditure for support of the State Board of Dry Cleaners."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 75

Senator Rich moved that Senate Bill No. 75 be withdrawn from Committee on Transportation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 75—An act to add Section 381.1 to the Vehicle Code, relating to penalties for failure to renew licenses.

Bill read second time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

In the first line of the title, strike out "add Section 381.1" and insert "amend Section 381".

Amendment No. 2

On page 1, lines 1 and 2, of said bill, strike out "381.1 is hereby added to the Vehicle Code", and insert "381 of the Vehicle Code is amended".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, strike out lines 3 to 7, inclusive, and insert the following:
381. Fee for Operator's or Chauffeur's License. Upon application for an operator's or chauffeur's license there shall be paid the department a fee of [two dollars (\$2)] *three dollars (\$3)* and upon an application for the renewal of an operator's or chauffeur's license there shall be paid the department a fee of two dollars (\$2). For the purposes of this section every application for an operator's or chauffeur's license shall be deemed to be an original application unless the applicant [can establish that he has held a valid] *presents a California operator's or chauffeur's license which was valid within [a period of one year] 30 days prior to the date of application.* The payment of the fee shall *entitle the person paying same to make application* for an operator's or chauffeur's [application shall entitle the applicant] *license and* to three examinations within a period of six months. [A qualified person shall be entitled to the issuance of a chauffeur's license for the unexpired period of said operator's license without additional fee, upon application and surrender of the operator's license.] *A person licensed as an operator who is qualified to receive a chauffeur's license may be issued a chauffeur's license for the unexpired term of his operator's license without an additional fee upon application and surrender of his operator's license.*

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 556

Senator Ward moved that Senate Bill No. 556 be withdrawn from Committee on Governmental Efficiency for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 556—An act to add Section 161b to the Civil Code, relating to payments or refunds made pursuant to a retirement or death benefits plan.

Bill read second time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

In line 5 of the printed bill, after "beneficiary", insert "or estate".

Amendment No. 2

In line 6 of said bill, strike out "maintained by the employer," and insert "provided by the employer for its employees,".

Amendment No. 3

Strike out lines 10 and 11 of said bill, and insert "ment or refund is made, the employer or former employer, where the payment is made by the employer or former employer, has received at its principal place of business within this State, written notice by or on behalf of some other person that".

Amendment No. 4

In line 13 of said bill, after "thereof", and before the ";", insert "or where a trustee or insurance company is making the payment, such notice has been delivered

by the employer to the home office of such trustee or such insurance company or has otherwise been received thereby".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 375

Senator Ward moved that Senate Bill No. 375 be withdrawn from Committee on Social Welfare for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 375—An act to amend Section 58 of the Unemployment Insurance Act, relating to disqualification for benefits.

Bill read second time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, between lines 24 and 25, insert the following
“(b) If an individual is disqualified under the provisions of subsections (a) (1) or (2) of this section, he shall be ineligible to receive benefits for a period of 5 weeks commencing with the week subsequent to the occurrence of the cause of the disqualification in which he first registers for work. Provided, however, that the disqualification under these subsections shall continue for the full period of unemployment next ensuing after he has left his work voluntarily without good cause attributable to his employer or has been discharged for misconduct connected with his work and until such individual has become re-employed and has earned wages equal to or in excess of ten times his weekly benefit amount.”

Amendment No. 2

On page 1, line 25, of said bill, delete “(b)” and insert “(c)”.

Amendment No. 3

On page 1, line 26, of said bill, after “(a)”, insert “(3) or (4)”.

Amendment No. 4

On page 2, line 15, of said bill, strike out “(c)”, and insert “(d)”.

Amendment No. 5

On page 2, line 16, of said bill, insert after “(A)”, “(3) or (4)”.

Amendment No. 6

On page 2, line 18, of said bill, delete “(b)”, and insert “(c)”.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 84
Assembly Bill No. 72
Assembly Bill No. 1591

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 53

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 84—An act to amend Section 139.32 of the Vehicle Code, relating to authorized patrol equipment.

Referred to Committee on Transportation.

Assembly Bill No. 72—An act to amend Section 139.28 of the Vehicle Code, relating to the establishment of highway patrol headquarters and substations.

Referred to Committee on Transportation.

Assembly Bill No. 1591—An act to amend Section 7437 of the Education Code, relating to the sale of school district bonds.

Referred to Committee on Education.

Assembly Concurrent Resolution No. 53—Relative to the survey of a state highway from MacArthur in Shasta County to Susanville in Lassen County.

Referred to Committee on Transportation.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 388

Assembly Bill No. 600

Assembly Bill No. 602

Assembly Bill No. 606

Assembly Bill No. 610

Assembly Bill No. 611

Assembly Bill No. 612

Assembly Bill No. 738

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. H. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 388—An act to amend Section 697 of the Vehicle Code, relating to the height and length of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 600—An act to amend Sections 35 and 515.1; to repeal Sections 35.5 and 620.5 of; and to add Sections 620.5 and 670.1 to the Vehicle Code, relating to speed limit applicable to and equipment required on motor-driven cycles.

Referred to Committee on Transportation.

Assembly Bill No. 602—An act to amend Section 81 of, and to add Section 90.2 to the Vehicle Code, relating to definitions of certain terms used therein.

Referred to Committee on Transportation.

Assembly Bill No. 606—An act to amend Sections 146, 175, and 185 of the Vehicle Code, relating to registration and transfer of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 610—An act to add Section 378.2 to, and to amend Sections 379 and 381 of the Vehicle Code, relating to fees for registration of motor vehicles and for issuance of operator's and chauffeur's licenses.

Referred to Committee on Transportation.

Assembly Bill No. 611—An act to amend Section 383 of the Vehicle Code, to amend Section 10901 of the Revenue and Taxation Code, and to amend Section 11, Chapter 788, Statutes of 1937, as amended, relating to the refund of fees collected thereunder.

Referred to Committee on Transportation.

Assembly Bill No. 612—An act to add Section 383.2 to the Vehicle Code, relating to the refund of fees.

Referred to Committee on Transportation.

Assembly Bill No. 738—An act to amend Section 130 of the Vehicle Code, relating to records of the Department of Motor Vehicles.

Referred to Committee on Transportation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 277

Senator Breed moved that Senate Bill No. 277 be withdrawn from Committee on Business and Professions for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 277—An act to add Chapter 5.6 to Division 2 of the Business and Professions Code, relating to the practice of physical therapy by registered physical therapists.

Bill read second time.

Motion to Amend

Senator Breed moved the adoption of the following amendments:

Amendment No. 1

On page 4, line 37, of the printed bill, after the period insert "All persons who have been administering physical therapy as commissioned officers in the Medical Corps of the United States Army, or in the Medical Service Corps in the United States Navy, for a period of one year or more prior to the effective date of this chapter, may also apply for registration, without examination, within six months from the dates of their honorable discharge."

Amendment No. 2

On page 4, of said bill, after line 52, insert "2628. Blind persons shall not be denied registration solely on the basis of such disability."

Amendment No. 3

On page 5, line 1, of said bill, strike out "2628" and insert "2629".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 286—An act to amend Section 13 of the Ventura County Flood Control Act, relating to flood control.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 472—An act to amend Section 13 of the County Water-works District Act, relating to property and obligations of county water-works districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 537—An act to amend Section 8552 of the Water Code, relating to the Reclamation Board.

Bill read second time, ordered engrossed, and to third reading.

Senate Joint Resolution No. 21—Relating to memorializing the Federal Department of Interior and the Bureau of Reclamation of the Federal Government in relation to reimbursing the State of California and the reconstruction of flood control works on the Sacramento River.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Water Resources:

Amendment No. 1

Strike out all of lines 1 to 12 of said resolution, and insert

"WHEREAS, Starting at about 6 a.m., May 14, 1948, the Bureau of Reclamation partially closed the outlet gates on Shasta Dam, and by 10 p.m., all flow of water through the dam had been completely stopped, apparently without consideration of the damage that might thereby result to the flood control works of the Sacramento River, and, without advance warning to those responsible for the maintenance of said works, suddenly lowered the flow of water in the Sacramento River, thereby releasing the supporting hydraulic pressure against river banks as far south as Knights Landing with the result that the sudden withdrawal of such supporting pressure caused the collapse and slippage into the river of extensive sections of saturated river banks supporting levees between Colusa and Knights Landing, a distance of about 50 miles; and"

Amendment read, and adopted.

Resolution ordered printed, engrossed, and to third reading.

Senate Bill No. 1119—An act authorizing the Director of Finance, with the approval of the Youth Authority, to exchange certain real property in the County of Sonoma, State of California.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1338—An act authorizing the sale, exchange or other disposition of certain state property located in Alameda County.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1365—An act to add Section 758.5, to amend Sections 758 and 759.1, and to repeal Section 758a of the Political Code, relating to officers and employees of the district courts of appeal.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1484—An act to amend Sections 12440 and 16002 of the Government Code, relating to presentation of claims against the State and drawing warrants therefor.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 34—An act to add Section 13320.5 to the Government Code, relating to budgets of state agencies.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 37—An act to amend Section 12973.7 of the Insurance Code, relating to documents and publications.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 70—An act to amend Sections 19626 and 19628 of the Business and Professions Code, Section 88 of the Agricultural Code, and Section 25903 of the Government Code, relating to the Fair and Exposition Fund and providing for the appropriation and expenditure of the second balance in said fund.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 78—An act authorizing the State Director of Finance to sell, exchange, or otherwise dispose of certain state property located in San Mateo County, and dispose of the proceeds thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 82—An act authorizing the State Director of Finance to sell, exchange, or otherwise dispose of certain state property located in Stanislaus County.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 219—An act to amend Section 13600 of the Government Code, relating to publications and documents.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 299—An act to amend the title of, and to add Section 4 to, "An act making an appropriation to the Regents of the University of California for establishing and operating an Institute of Transportation and Traffic Engineering," approved July 19, 1947, relating to the expenses of certain state, county, city and county, city or district officers and employees attending and participating in meetings of such institute.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 382—An act to authorize the Director of Finance to convey all right, title and interest of the State of California in and to certain real property in the County of Kern.

Bill read second time.

Motion to Amend

Senator Watson moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "in the County of Kern".

Amendment No. 2

On page 1, line 4, of said bill, after "title" insert a comma.

Amendment No. 3

On page 1 of said bill, following line 29, insert

"Sec. 3. The Director of Finance is hereby authorized to convey to the County of Orange upon such terms and conditions as in his opinion may be for the best interests of the State, all the right, title, and interest of the State of California in and to the following real property:

Lot 17 of Tract No. 279, Rochester Block, in the County of Orange.

SEC. 4. The Director of Finance is hereby authorized, for and on behalf of the State of California, to execute in favor of the County of Orange such instruments of conveyance as he may deem necessary to pass and convey to the County of Orange all of the right, title, and interest of the State of California in and to the said real property."

Amendment No. 4

On page 1, line 28, of said bill, after "title", insert a comma.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 567—An act to amend Section 12 and to repeal Section 13 of "An act to provide a unified program of construction, improvement, and equipment for state agencies, creating a State Public Works Board, and making an appropriation to carry out the provisions of this act," relating to reports of the State Public Works Board.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 590—An act to amend Section 14033 of the Government Code, relating to the revolving fund of the Division of Architecture.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 750—An act to add Title 4 and Sections 500041 to 500045, inclusive, to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government, and to repeal acts and parts of acts specified therein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 767—An act to add Article 6.5, comprising Sections 1170 to 1176, inclusive, to Chapter 1, Division 4 of Title 1 of the Government Code, and to repeal an act entitled "An act to authorize public agencies to withhold amounts from salaries and wages, paid by public agencies and to comply with provisions of internal revenue laws of the United States, declaring the urgency of this act, to take effect immediately," approved February 10, 1943 (Chapter 48 of the Statutes of 1943), relating to withholding taxes from wages, and to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 768—An act to add Chapter 5, comprising Sections 6500 to 6547, inclusive, to Division 7 of Title 1 of the Government Code, and to repeal an act entitled "An act providing for the joint exercise of powers by counties, by municipalities, or by municipalities and counties," approved May 20, 1921 (Chapter 363 of the Statutes of 1921), and an act entitled "An act authorizing certain indebtedness to be incurred in connection with the joint exercise of powers by public agencies," approved July 2, 1947 (Chapter 1044 of the Statutes of 1947),

relating to the joint exercise of powers by cities and counties and the incurring of indebtedness therefor, and to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 780—An act to add Section 12425 to the Government Code, relating to duties of the Controller.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1111—An act to amend Section 13145 of the Government Code, relative to retention of refunds by state agencies.

Bill read second time, ordered engrossed, and to third reading.

Senate Joint Resolution No. 22—Relative to memorializing the President, Secretary of State, and Congress of the United States and condemning the communist persecution of Cardinal Mindszenty and other Roman Catholic prelates in Hungary, the espionage trial of Protestant pastors in Bulgaria and the persecution of religion in all communist-dominated countries behind the iron curtain.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 1 of the printed bill, strike out lines 10 to 15 inclusive, and insert "WHEREAS, In Bulgaria 15 Protestant pastors have been tried, convicted and sentenced to imprisonment under circumstances closely paralleling the trials in Hungary including alleged confessions which gave evidence of having been extorted from intimidated men"

Amendment read, and adopted.

Resolution ordered printed, engrossed, and to third reading.

Senate Bill No. 95—An act to repeal Article 4 of Chapter 1 of Division 20, consisting of Sections 24150 and 24151, of the Health and Safety Code, and to add Sections 267 and 268 to the Harbors and Navigation Code, relating to regulation of power boats and motor boat races.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 468—An act to add Section 32100.5 to the Health and Safety Code, relating to local hospital districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 33—An act to add Section 11010 to the Government Code, relating to charges made by state agencies.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, following line 9, of the printed bill insert "There shall also be included such proportionate share a proration of the State's retirement contribution for the employees engaged in providing services for the activity other than that performed exclusively for state purposes."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 38—An act to add Section 1062.5 to, and to amend Section 11032 of, the Government Code, relating to absences of state officers and employees from the State.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 3, of the printed bill, after the word "employee", insert "except elective state officers, legislative committees and their employees".

Amendment No. 2

On page 1, line 19, of said bill, after the period following the word "only," insert "This section shall not apply to committees of the Legislature or of either house thereof."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 74—An act to amend Section 13108 of the Government Code, relating to hire or lease of real or personal property of the State.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 5, of the printed bill, after the word "property", insert "for the use of any state agency, including the Department of Finance".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 293—An act to amend Sections 11005 and 16302 of, and to add Section 11005.1 to, the Government Code, relating to the acquisition of real and personal property and the powers of the Director of Finance relative thereto.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 11, of the printed bill, after the word "apply", insert "(1) to unconditional gifts of money or (2)".

Amendment No. 2

On page 2 of said bill, strike out line 5 and insert "the provisions of Section 11005 of this code."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 782—An act to amend Section 13924 of the Government Code, relating to the valuation of maintenance furnished to state employees.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 21, of the printed bill, after the words "board hereunder," add the following "The Board of Control, by rule, shall provide for reasonable opportunity to be heard by departments or employees affected by this section."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1177—An act to amend Section 419, to repeal Sections 420, 420.1, 420.2, 420.3, 420.4, 420.5, 420.6, 420.7, 420.8, and 420.9, and to add Sections 420, 421, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 423, 423.1, and 423.2 of the Vehicle Code, relating to financial responsibility, and declaring the urgency thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 13, of the printed bill, following "drivers", insert "or owners".

Amendment No. 2

On page 1, line 15, of said bill, following "drivers", insert "or owners".

Amendment No. 3

On page 2, line 46, of said bill, strike out the word "deposited", and insert "on deposit".

Amendment No. 4

On page 2, line 46, of said bill, strike out the word "ordered".

Amendment No. 5

On page 2, line 51, of said bill, following "Suspensions," insert "(a)".

Amendment No. 6

On page 3, line 15, of said bill, strike out "one of the subdivisions of".

Amendment No. 7

On page 3, line 40, of said bill, strike out "and Publicly Operated".

Amendment No. 8

On page 6, line 12, of said bill, strike out "amended", and insert "added".

Amendment No. 9

On page 2 of said bill, between lines 30 and 31, insert

"In the event the driver at the time of an accident was driving a motor vehicle owned, operated or leased by the employer of such driver and with the permission of the employer then the security provisions of this act shall apply to the employer in respect to the registration of all vehicles owned, operated or leased by him and shall not apply to such driver.

The privilege of a person to drive as a chauffeur in the course of his employment shall not be suspended under this chapter even though his privilege to drive is otherwise suspended under this chapter."

Amendment No. 10

On page 3 of said bill, strike out all of lines 46 to 49, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 802—An act to amend Sections 419 and 420 of the Vehicle Code, relating to financial responsibility and declaring the urgency thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In the first line of the title of the printed bill, strike out "Sections 419 and" and insert "Section".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 21, inclusive.

Amendment No. 3

On page 1, line 22, of said bill, strike out "Sec. 2", and insert "Sec. 1".

Amendment No. 4

On page 3, line 8, of said bill, strike out "Sec. 3", and insert "Sec. 2".

Amendment No. 5

On page 3 of said bill, strike out lines 21 to 41, inclusive, and insert "drivers should be suspended. In the operation of the act it was found that it was impossible to secure verification of insurance within the time limits imposed by the law in a very substantial number of cases, and that therefore it became necessary, in compliance with those time limits, to suspend licenses of numerous drivers who actually had protected themselves and other drivers by the purchase of insurance, but through the operation of technical provisions of the law could not meet the time requirements in the act. This defect has already resulted in the suspensions of thousands of drivers licenses which need not have been suspended. It is therefore necessary to change the procedure for determining whether insurance was in effect at the time of the accident in order to prevent the law from continuing to work a serious injustice upon thousands of drivers."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 64—An act to amend Chapter 8 of Division 10 of the Education Code, relating to establishing 24-hour schools to be known

as California Academies for dependent, neglected, and homeless children who require special care and supervision, and providing for the government and administration thereof.

Bill read third time.

Motion to Amend

Senator Judah moved the adoption of the following amendments:

Amendment No. 1

On page 3, line 40, of the printed bill, as amended in the Senate March 15, 1949, after "faiths" insert "where possible".

Amendment No. 2

On page 4, line 42, of said bill, after "officer" insert "., through an order issued by the superior judge of the county from which the child had been admitted,".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 229—An act to add Section 12500 to the Education Code, relating to fees for credentials and life diplomas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Motion to Amend Title

Senator Dilworth moved the adoption of the following amendment to the title:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add", and insert "amend".

Amendment read, and adopted.

Bill ordered printed and transmitted to the Assembly.

Senate Bill No. 272—An act to amend Sections 12130.1, 12400.1, and 12402.1 of the Education Code, and to add Section 12130.2 to said code, all relating to the credentials authorizing service in the public schools, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Dilworth moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "12130.2" and insert "12131.2".

Amendment No. 2

On page 1 of said bill, following line 12, insert "This credential shall authorize the same service as the general elementary credential."

Amendment No. 3

On page 1, line 13, of said bill, strike out "12130.2", and insert "12131.2".

Amendment No. 4

On page 1, line 14, of said bill, strike out "12130.2", and insert "12131.2".

Amendment No. 5

On page 1 of said bill, following line 22, insert

"This credential shall authorize the same service as the kindergarten-primary credential".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 322—An act to add Section 20454.1 to the Education Code, relating to the giving of bonds in connection with the maintenance of Reserve Officer Training Corps units at state colleges, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1034—An act to amend the heading of Article 3 of Chapter 9 of Division 4 and Sections 9651 and 9652 of the Education Code, relating to physically handicapped minors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 1035—An act to repeal Sections 17252 to 17261, inclusive, of the Education Code, and to add Section 17252 to said code, relating to the education of the deaf.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 34—Relative to adding Rule No. 18.5 to the Joint Rules of the Senate and Assembly, relating to legislative publications.

Resolution read.

MOTION TO RE-REFER SENATE CONCURRENT RESOLUTION NO. 34

Senator Sutton moved that Senate Concurrent Resolution No. 34 be re-referred to Committee on Rules.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 16—Relative to naming the freeway between San Diego and Tia Juana the John J. Montgomery Freeway.

Resolution read, and presented by Senator Kraft.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—37.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 58—Relative to new quarters for the Industrial Workshop for the Blind in Los Angeles.

Resolution read, and presented by Senator Hugh M. Burns.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1066

Senator Hatfield moved that Senate Bill No. 1066 be withdrawn from Committee on Labor for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1066—An act to repeal Chapter 8, comprising Sections 1131 to 1136, inclusive, of Part 3 of Division 2 of the Labor Code, and to add a new Chapter 8 to Part 3 of Division 2 of that code, comprising Sections 1131 to 1140, relating to hot cargo and secondary boycotts.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

On page 3, line 20, of the printed bill, as amended in Senate March 9, 1949, after "hereof," strike out "any", and insert "such".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

RECESS

At 3.10 p.m., on motion of Senator Powers, the Senate recessed to allow Lieutenant Governor Goodwin J. Knight to introduce to the Senate George Jessel of Beverly Hills and hear his remarks.

REASSEMBLED

At 3.15 p.m., the Senate reconvened.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the desk.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 263—An act to amend Section 8051 of the Education Code, relating to the performance of services by governing boards of school districts and county superintendents of schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—36.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY, CALIFORNIA LEGISLATURE
SACRAMENTO, March 16, 1949

Hon. Joseph A. Beek
Secretary of the Senate

DEAR MR. BEEK: Will you please return to the Assembly for further consideration Assembly Bill No. 738.

A notice of reconsideration was given today on this bill.

Yours very truly,

ARTHUR A. OHNIMUS, Chief Clerk

Motion to Return Assembly Bill No. 738 to the Assembly

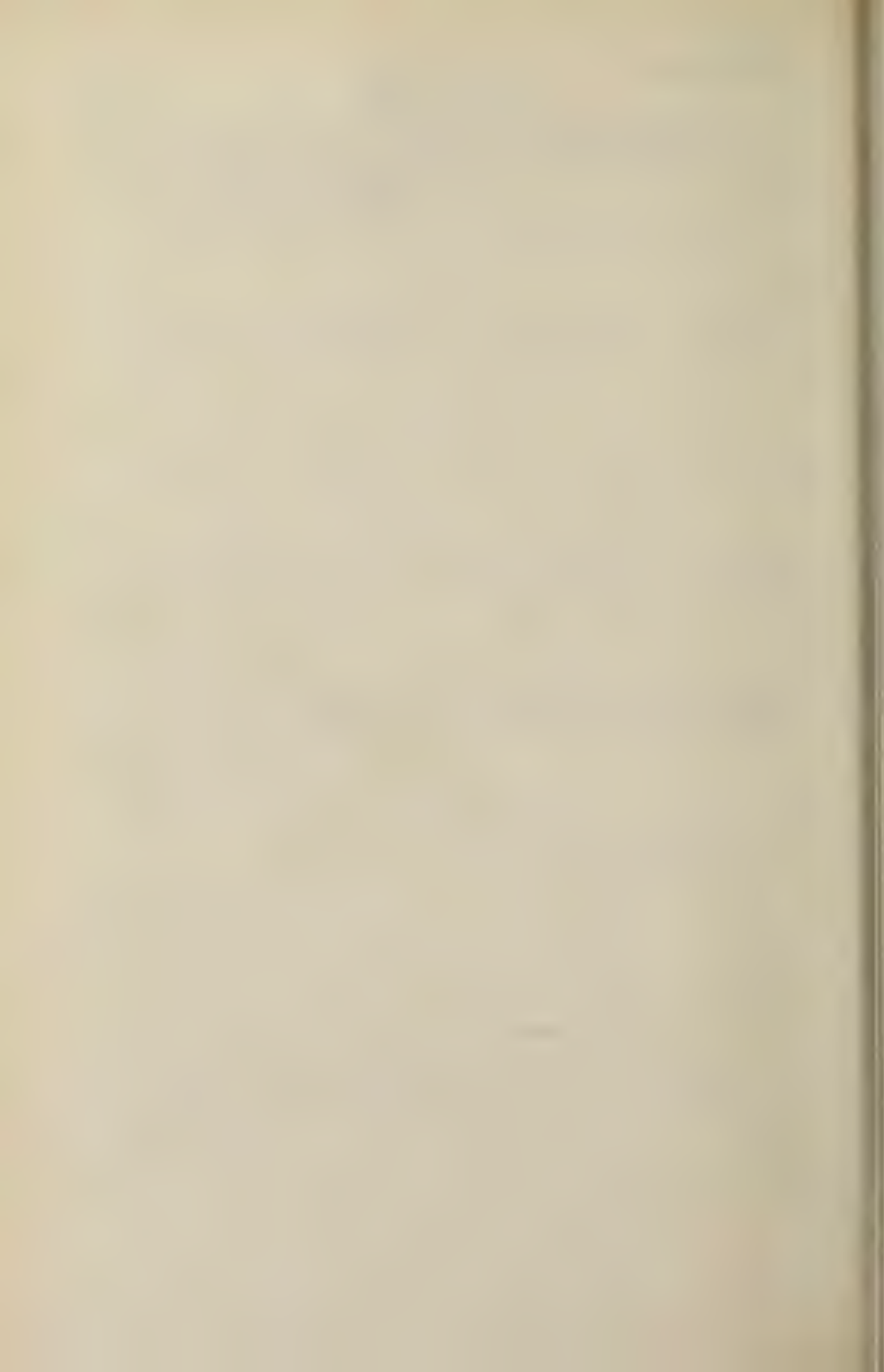
Senator Powers moved that Assembly Bill No. 738 be withdrawn from Committee on Transportation and be returned to the Assembly pursuant to their request.

Motion carried.

ADJOURNMENT

At 3.22 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 2 p.m., Thursday, March 17, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTIETH LEGISLATIVE DAY
SEVENTY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, March 17, 1949

The Senate met at 2 p.m.

Hon. Byrl R. Salsman, Vice Chairman of Committee on Rules of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—38.

Quorum present.

PRAYER

By invitation of the President, prayer was offered by Rev. Clarence A. Kircher, minister of the Westminster Presbyterian Church.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Williams, on motion of Senator Cunningham, due to legislative business.

Senator O'Gara, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Louis Venator of Los Angeles.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Gus Schiedel of Sacramento.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. A. L. Shapiro of Santa Rosa.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edward F. Hayes of Sacramento and Mrs. David Gaynor of Auburn.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sidney W. Sharp of Hanford.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Marjory Benedict of Berkeley.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Stanley Decious of Alturas.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. Coburn Cook, District Attorney of Alpine County.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Raymond McIntosh, A. R. Lowey, District Attorney and R. F. Taylor, County Engineer, of Sierra County.

On request of Senator Michael J. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Skipper Hans Nelson and Mrs. Lawrence McIntyre of San Francisco.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George J. Hatfield.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. J. J. O'Donnell, president, and the following members of the Women's Civic Club of Oakland: Mrs. Harry E. Allen, Mrs. Louie Heinz, Mrs. H. Foote, Mrs. Agnes Allen, Mrs. Joseph Fabry, Mrs. E. C. Copeland, Mrs. Madge Ferrell, Mrs. Margaret Monkin, Mrs. Nicholas Loshe, Mrs. Robert Rich, Mrs. Alfred Widel, Mrs. Arthur Gawne, Mrs. Henry Miller, Mrs. Fred Cowell, Mrs. P. J. Friday, Mrs. Lulu Short, Colonel Augustus Dunaway, Mr. Joseph Fabry, and Mrs. Nina Prentice.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wesley Davies of Hanford, Mrs. Virginia Rasmussen and Mrs. Foster of Fresno.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. K. H. MacPherson of Stockton.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Charles Haworth, Principal; Pauline Keemer, Mrs. Julia Lally, and Nate DeGiobbi, instructors, and the following students of the Pittsburg Junior High School of Pittsburg: Audrey Adams, Carmen Ambrosini, Mary Ambrosini, O. G. Bray, Ophelia Contreras, Ida Flossi, Josephine

Garcia, Joan Girot, Tommy Graham, Rose Herrera, Jack Lucas, David Mangues, Paula McDermott, Jack Megna, Ramon Miller, Fred Patton, Joe Rodriguez, Morena Roller, Benny Salazar, Nanette Smario, Carl Stoval, Donald Wildes, Kathleen Gibaldi, Tommy Reis, Richard Bavier, Mary Aguilar, William Azeveda, John Carpanelle, Mary Jane Cavallaro, Hannah Chambers, Beverly DiMaggio, Estelle Fernandez, Arlene Granberg, Bob Hanson, Dorothy Henderson, Eva Mae Jiles, Mary Jiminez, Juan Lujan, Victor Magistrale, Robert Mendoza, Phyllis Powell, Manuel Rodriguez, Pat Rotell, Katheryn Russo, Gerald Ryan, Frank Straface, Frank Tiscerano, Charles Vaulato, Pete Zaragoza, Nancy Noon, Patricia Davis, Frances Enea, Anthony Aiello, Ronald Anderson, Frances Belleci, Robert Blackford, Isabel Castro, Speranza Cutino, Samuel Dawson, Cherry Fairechild, Katherine Green, Jerry Halsbach, Douglas Killingsworth, Nancy Lynch, Andrew Mercurio, Demetra Mitchell, Carl Peterson, Patsy Romeo, Anthony Russo, Horace Russo, Helen Stratikis, Carmen Verduzco, Kenneth Walker, Anna Marie Wilson, Ponce Matamorez, Virginia Arroya, Earl Blau, Barbara Bogarini, Irene Bogarini, Cathy Dearborn, Miriam DiMaggio, Sarah Fulbright, Joseph LaVallie, Frank Macalusa, Elena Montez, Betty Richer, Alvin Rudkin, Anna San Filippo, Earl Taylor, Doris Trezza, Douglas Wilson, Tom Brown, Jess Hurtado, Barbara Lawson, Gene Pitlick, John Bankson, Joan Attama, Barbara Belleci, Catherine Capeto, Annette Gaiera, Angie Gonzales, Bonnie Hosier, LaVonne Meyer, Richard Ong, Sarah Ramirez, Richard Rasmussen, Leveta Richards, Joseph Siino, Dorothy Sposito, Rurie Tirey, Donald Wood, Josie Stines, Dorothy Fudge, Carla Karsten, Mary Ellen Alfaro, Tacy Allington, Phyllis Aulton, Andrew Battaglia, Rose Confetti, Marcia Galler, Louis Guiterrez, David Herrera, Worley James, Elliott Lawson, Gertrude McCree, Emily Miller, Marlene Morgan, William Parga, Emmett Pickens, John Roberts, Tommy Rizzo, Carol Roberts, Shirley Russel, Pat Russo, Eleanor Seavarda, Dorothy Stauffer, Edward Tinsley, Richard Wherity, and Linda Meade.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Sisters of the Notre Dame High School of San Jose and the following students: Jean Anderson, Lorraine Boitano, Marie Bruno, Anna Mary Bush, Norma Capas, Nellianne Casparian, Jessie Delao, Barbara Driscoll, Kathleen Flannery, Donna Francis, Elizabeth Freitas, Marie Gagliasso, Patricia Giannotti, Grace Griffel, Anne Grimaldi, Mary Frances Gurries, Rita Gurries, Geraldine Harris, Mildred Harvel, Ruth Heintz, Geraldine Herzog, Ellen Hess, Charleen Jones, Patricia Kane, Louise Kirby, Anne Kuklinski, Shirley Lannin, Sharon Lewis, Corrine LoGuidice, Alberta LoSalvio, Mary Martha MacDonald, Doreen Maffey, Roberta Mager, Colleen Malone, Catherine Matasci, Dorothy Mattos, Joy Maynard, Eileen McBride, Beverly McCarthy, Joanne McDowell, Marianne McDowell, Carolyn McKenzie, Virginia Mijares, Joanne Miller, Lillian Miner, Elizabeth Miranda, Dorothy Mollo, Rita Moore, Dorothy Musso, Charles Olsen, Dolores Perez, Marylou Perry, Anne Pfeffer, Teresa Polk, Claire Prince, Phyllis Pusateri, Collette Quement, Carol Rankin, Josephine Rizzo, Donna Scilacci, Janet Seidle, Dolores Silva, Angie Sparacino,

Joyce Steiner, Marianne Thornton, Josephine Vicari, Annamarie Vierra, Cecilia Wallace, Patricia Whitaker, Kathleen Wilson, and Joan Winterling.

REQUEST FOR UNANIMOUS CONSENT

Senator Collier asked for, and was granted, unanimous consent to have the following report of the State Personnel Board concerning the feasibility and costs of two types of classification surveys in the California State Civil Service, in accordance with Senate Resolution No. 48.

Letter of Transmittal

SACRAMENTO, March 15, 1949

*Mr. Joseph A. Beek, Secretary to Senate
Senate Chamber, State Capitol Building
Sacramento, California*

DEAR MR. BEEK: Submitted herewith, in accordance with Senate Resolution No. 48, is a report on the feasibility and costs of two types of classification surveys in the California State Civil Service.

The State Personnel Board adopted this report at its meeting in Sacramento on March 12, 1949, and directed that it be transmitted to the Senate.

Very truly yours,

JOHN F. FISHER
Secretary to the Board

REPORT OF THE STATE PERSONNEL BOARD TO THE SENATE CONCERNING THE FEASIBILITY AND COSTS OF TWO TYPES OF CLASSIFICATION SURVEYS IN THE CALIFORNIA STATE CIVIL SERVICE, IN ACCORDANCE WITH SENATE RESOLUTION NO. 48

The State Personnel Board at its regular meeting on March 12, 1949, adopted the following resolution:

It is hereby resolved that the Report to the California State Senate in accordance with Senate Resolution No. 48 be adopted as the report of the State Personnel Board. The secretary of this board is directed to transmit the report to the Senate, in accordance with Senate Resolution No. 48.

Ayes: Chatters, Mallory, and Gray. The motion was carried.

I, John F. Fisher, Secretary of the State Personnel Board, hereby certify that the foregoing resolution was duly and regularly adopted at the regular meeting of the State Personnel Board on the twelfth day of March, 1949.

JOHN F. FISHER, Secretary

Report to the California State Senate in Accordance With Senate Resolution No. 48

This report is submitted in compliance with Senate Resolution No. 48 which requests the State Personnel Board "to investigate and study the feasibility and cost of a state-wide position or job analysis for the various positions in the state service to the end that such positions be reclassified so that the duties actually performed shall be commensurate with the compensation paid, and to report the results of such study and

investigation to the Senate on or before March 15, 1949, on the following basis:

- (1) The feasibility and cost of such a position analysis for all positions in the state service, and
- (2) The feasibility and cost thereof if limited to positions for which the starting salary is in excess of three hundred dollars (\$300) per month."

The number of state civil service employees has increased from 28,501 in June of 1942 to 46,472 in June of 1948. There are in addition 3,000 exempt employees, most of whom are in the state colleges.

The cost of State Government has increased to a greater extent than the increase in number of employees because of salary increases. Also, each employee costs more than his salary because of additional expenses for space, equipment, travel, and other expenses related to employment.

The State Personnel Board believes that at least three types or kinds of job surveys are necessary in order to keep expenses of salaries and related items within reason. One type of job survey is usually described as a classification survey. This is the type of survey usually performed by the State Personnel Board. In making such surveys, the board determines, from the employee and his supervisor, the duties and responsibilities of his position. Positions having similar duties and responsibilities are then grouped into classes of positions. Salaries are determined, examinations are held, and most of the personnel functions are performed in terms of these classes of positions.

For the past two years the board has maintained a special staff which has undertaken to study a reasonable number of positions in the state service for the purpose of verifying their classification and, where necessary, reclassifying the positions in order to bring the classification plan up to date. Under the present method of operation, it is expected that every position in the state service will be surveyed at least once in five years.

Another type of job survey is to study the organization of each department and to determine whether or not the duties and responsibilities assigned to the various positions should be performed at all. In such surveys it is also possible to regroup the duties and responsibilities in order to make maximum use of the various individuals. It should be recognized that the classification studies usually made by the State Personnel Board are legally limited to a study of the positions as they exist. It is not within the authority of the State Personnel Board to question why the work is being performed or even to suggest a better way in which the work can be performed. Job surveys are usually conducted by the administrative analysis section of the Department of Finance. The operation of this type of survey is also contemplated in several resolutions and bills now pending in the Legislature calling for what might be popularly described as "Little Hoover Commissions" (for example Assembly Concurrent Resolution No. 38 and Senate Bill No. 594). There is much interest at present in this type of job survey which is now being completed for the Federal Government by the Hoover Commission.

A third type of job survey involves the appraisal of how well each incumbent is performing the duties and responsibilities which have been assigned to him. The responsibility for making these surveys has been delegated to, and can best be performed by, each supervisor. In order to help supervisors make these appraisals of performance, the board has developed from time to time forms for rating employees. These are usually referred to as performance reports, performance reviews, or merit ratings.

If any extensive changes are to be made in the administrative organization of State Government, it appears to the State Personnel Board, that the most logical place to begin would be in a study of what functions should be performed, what duties and responsibilities should be grouped together and assigned to each position, and how each department should be organized. These are the surveys referred to as organization or administrative surveys, and the type of survey contemplated by the formation of "Little Hoover Commissions." The staff of the State Personnel Board has not conducted such studies and the board is not in a position to make a reasonable estimate regarding the cost of such surveys. This type of activity has never been assigned to the State Personnel Board. As a result of hearings on bills already submitted on this matter, the Senate will be informed as to the feasibility and cost of such studies.

If the Legislature adopts the proposed plans of a thorough study of the administrative organization of departments and the duties and responsibilities to be assigned to each position, it would not be economical to undertake a job classification study at this time. On the other hand, if a study aimed at a reorganization is undertaken, it is vital that such a study be followed with a classification survey after the changes have been effected. Any change in the organization of departments, any addition or elimination of functions, any streamlining of operations, of necessity would result in a need for a reclassification of positions in order to bring the classification plan of the State Personnel Board up to date. It might be feasible to have the two studies progress simultaneously. For the past few years there has been close cooperation between the staff of the Department of Finance, engaged in the study of departmental organization, and the classification staff of the State Personnel Board. The classification survey would determine how the positions would be classified, when, as, and if the recommended changes were made.

Such a classification study in addition to the study by a so-called "Little Hoover Commission" could be made either by an additional staff authorized for the State Personnel Board or by an independent, outside agency. We estimate that the direct cost of a state-wide classification survey covering all positions in the state civil service and made by an additional staff authorized for the State Personnel Board would be \$193,442 (see Exhibit 1). In such a survey written statements of duties are obtained from all employees and then a part of the employees is later interviewed on the job to verify or more accurately determine the nature of their duties. The cost of the survey is greatly affected by the number of persons so interviewed. The foregoing estimate is based on the assumption that 25 percent of all positions would be studied by means

of on-the-spot personal interviews. We estimate the cost of such a survey limited to positions with a minimum starting salary of \$300 a month or higher, of which there are approximately 7,500, to be \$49,665 (see Exhibit 2). The latter estimate is based on the assumption that 60 percent of such positions would require personal interviews. These estimates are for a survey of positions in the state civil service system only. If it is intended for the survey to include exempt positions, such as those in the state college system, or others, the cost would be proportionately greater, depending upon the exact coverage desired. It is believed that not less than one year should be taken to complete either of these types of surveys.

These estimates include only the salaries and operating expenses of the survey staff. In addition to this direct cost, other time will be spent by state employees and supervisors in preparing and reviewing statements of their duties and responsibilities and in being interviewed by the staff. At least 100,000 hours of such time might be involved.

There are several outside agencies which might be able to undertake such a survey on a contract basis. There has been time to discuss this problem with only one outside organization. This group expressed a willingness to submit an estimate for performing a survey. The matter may be explored still further if the members of the Senate are interested in additional data.

While an enlarged staff in the Department of Finance can make a survey of the organization of the various departments, while an enlarged staff in the State Personnel Board can make a job classification survey, and while outside agencies could make either or both of these types of surveys, only the supervisors in each department can make a fair appraisal of the work actually performed by every state employee. Such a study can only be made by observing the work of an individual over a period of time. The board has worked and will continue to work with every department to help supervisors to do a better job of appraising the work of their subordinates. The form used in rating can and will be improved as a result of practical experience. In cooperation with department heads, the supervisors can and will be trained in how to make such ratings and how to use the results of such ratings as effectively as possible. The State Personnel Board has also been working with various departments in the development of some standards of performance.

Experience in private industry and in other governmental jurisdictions shows the desirability of having from time to time an intensive study of the methods of organization in each department and of studies aimed at reclassifying positions. Major economies result more from the reorganization of work than from a mere study of the duties actually being performed. Work cannot be eliminated or simplified by merely discovering what is being done. The important question is why should it be done.

The board believes that a study of job classification alone will not result in material savings for the State. A study of reorganization such as that performed for the Federal Government by the Hoover Commission would probably result in many economies. Such a survey should be

accompanied with a classification study, but should not be preceded by the classification study.

Respectfully submitted,

CALIFORNIA STATE PERSONNEL BOARD

EXHIBIT 1

Estimated Cost for a Classification Survey of 50,000 Positions in the California State Civil Service With 25 Percent of Incumbents Being Personally Interviewed

Salaries (for one year)

1 Principal Personnel Technician	@	\$584	-----	\$7,008	
4 Senior Personnel Technicians	@	481	-----	23,088	
12 Associate Personnel Technicians	@	395	-----	56,880	
16 Assistant Personnel Technicians	@	358	-----	68,736	
					\$155,712
1 Senior Typist-Clerk	@	220	-----	2,640	
5 Intermediate Typist-Clerks	@	190	-----	11,400	14,040
Total Staff Cost -----					\$169,752

Operating Expenses

Office Space -----	\$3,690
Operating Expense -----	20,000
Consisting of Travel Expense, Printing and Office Supplies, Telephone, etc. -----	
Total Operating Expense -----	23,690
Total Estimate -----	\$193,442

EXHIBIT 2

Estimated Cost for a Classification Survey of 7,500 Positions in the California State Civil Service (With Minimum Salaries Over \$300 a Month) With 60 Percent of Incumbents Being Personally Interviewed

Salaries (for one year)

1 Senior Personnel Technician	@	\$481	-----	\$5,772	
4 Associate Personnel Technicians	@	395	-----	18,960	
3 Assistant Personnel Technicians	@	358	-----	12,888	
1 Intermediate Typist-Clerk	@	190	-----	2,280	
Total Staff Cost -----					\$39,900

Operating Expenses

Office Space -----	\$765
Operating Expense -----	9,000
Consisting of Auto Operations, Travel Expense, Printing and Office Supplies, Telephone, etc. -----	
Total Operating Expense -----	9,765
Total Estimate -----	\$49,665

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 601

Assembly Bill No. 603

Assembly Bill No. 605

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By JOHN WENDT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 60

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By JOHN WENDT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 601—An act to add Sections 37.1 and 670.6 to, and to amend Section 141 of the Vehicle Code, relating to auxiliary dollies, the registration thereof, and brakes thereon.

Referred to Committee on Transportation.

Assembly Bill No. 603—An act to amend Section 576 of the Vehicle Code, relating to vehicles which must stop at crossings.

Referred to Committee on Transportation.

Assembly Bill No. 605—An act to amend Sections 140.1 and 142 of, and to add Section 140.2 to the Vehicle Code, relating to permits for the operation of and registration of vehicles.

Referred to Committee on Transportation.

Assembly Concurrent Resolution No. 60—Relative to the general observance of Cabrillo Day and authorizing the Governor of the State of California to make appropriate proclamation with respect thereto.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 37—Relative to continuing the Joint Legislative Committee on Lending Transactions;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the sixteenth day of March, 1949, at 4 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 34	Senate Bill No. 567
Senate Bill No. 37	Senate Bill No. 590
Senate Bill No. 70	Senate Bill No. 750
Senate Bill No. 78	Senate Bill No. 767
Senate Bill No. 82	Senate Bill No. 768
Senate Bill No. 95	Senate Bill No. 780
Senate Bill No. 219	Senate Bill No. 1111
Senate Bill No. 286	Senate Bill No. 1119
Senate Bill No. 299	Senate Bill No. 1338
Senate Bill No. 468	Senate Bill No. 1365
Senate Bill No. 472	Senate Bill No. 1484
Senate Bill No. 537	

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 17, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 272

Senate Bill No. 64

And reports the same correctly re-engrossed.

POWERS, Chairman

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 39: By Senator Rich—Relative to making additional funds available to the Legislative Budget Committee, established by Senate Concurrent Resolution No. 7 (Res. Ch. 75, 1949).

Referred to Committee on Rules.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 155

Senator Johnson moved that Senate Bill No. 155 be withdrawn from Committee on Governmental Efficiency for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 155—An act to provide for leasing adequate facilities and service for the extension, maintenance, and operation of Teletypewriter System of Communication by the State Department of Justice, and to make an appropriation therefor.

Bill read second time.

Motion to Amend

Senator Johnson moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 4, of the printed bill, after "County", insert "and Sierra County".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

REQUEST TO HAVE JOURNAL CORRECTED

Senator Brown asked for, and was granted, unanimous consent to have a typographical error of the Journal dated March 16, 1949 corrected. On page 544, Item No. 2 of the Partial Report of the Senate Committee on Local Governmental Agencies, change "2,980,000 acres" to read, "2,980 acres".

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, March 16, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:
Senate Bill No. 1330

Has had the same under consideration, and reports the same back with amendments
with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

DILLINGER, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 92—An act to amend Section 25601 of the Government Code, relating to wild flowers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 148—An act to amend Section 750.2 of the Agricultural Code, relating to the effective period of Chapter 14 of Division 4 of said code, relating to the California Dairy Industry Advisory Board.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 390—An act to amend Section 626 of the Agricultural Code, relating to skim milk.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 392—An act to amend Sections 737.5 and 737.7 of the Agricultural Code, relating to marketing of fluid milk and fluid cream.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 393—An act to amend Sections 730.2, 731, 733, and 734 of, and to add a new Article 3, consisting of Section 734.5 to, the Agricultural Code, relating to the marketing of milk and other dairy products.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "733", and insert "733.4".

Amendment No. 2

On page 5, line 24, of the printed bill, as amended, strike out "733", and insert "733.4".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 5 of the printed bill, as amended, strike out all of lines 26 to 29, inclusive, and insert

"733.4. Any person who violates any provisions of this chapter shall be liable civilly in an amount [not to exceed a sum] of five hundred dollars (\$500) for each

and every violation, such sum to be recovered by the director in any court of competent jurisdiction. All sums recovered under this section shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 560—An act to amend Section 27264 of the Government Code, relating to the recordation of land patents.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "or general indices" and insert "or official records".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1512—An act to amend Section 28139 of the Government Code, relating to compensation for public service.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 28139 of the Government Code" and insert "Sections 28138 and 28139 of the Government Code and Section 438 of the Education Code".

Amendment No. 2

On page 1, line 1, of said bill, strike out "28139" and insert "28138".

PRINTER'S NOTE—There being no 7-point strikethrough type available, the material which should appear in strikethrough type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, between lines 2 and 3, insert "28138. In a county of the thirty-eighth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, [three thousand eight hundred dollars (\$3,800)] *four thousand two hundred and fifty dollars (\$4,250)* a year.

(b) The district attorney, three thousand five hundred dollars (\$3,500) a year.

(c) Each supervisor shall receive two hundred dollars (\$200) a month, and his actual expenses while attending to the business of the county by the order of the board of supervisors and mileage at the rate of fifteen cents (\$0.15) a mile, one way: (1) for traveling from his residence to the county seat to attend regular, special, and adjourned sessions of the board of supervisors, and (2) for all actual distances traveled by him in the performance of his duties as road commissioner.

(d) Grand jurors and jurors in the superior court shall receive three dollars (\$3) for each day's attendance and fifteen cents (\$0.15) for each mile actually traveled in attending court as a juror, and for attending regularly called grand jury meetings and grand jury committee meetings, one way. Mileage shall be paid for each time a regularly empaneled jury or grand jury is called in separate session. [The compensation provided by this section shall be paid to incumbent officers.]

SEC. 2. Section 28139 of the Government Code is amended to read:—

Amendment No. 4

On page 1 of said bill, strike out lines 29 and 30, and insert

"Sec. 3. Section 438 of the Education Code is amended to read:

438. The annual salary of the county superintendent of schools of a county of the thirty-eighth class is [three thousand eight hundred dollars (\$3,800)] *four thousand eight hundred dollars (\$4,800)*, and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 41—An act to amend Section 27322 of the Government Code, relating to recording of instruments.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 42—An act to amend Section 27288 of the Government Code, relating to the recording of documents.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 43—An act to amend Section 27380 of the Government Code, relating to filing fees.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 44—An act to repeal Section 27378 of the Government Code, relating to the fee for recording marks or brands.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 79—An act to amend Section 27640 of the Government Code, relating to the appointment of county counsels in counties.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 195—An act to amend Section 28127 of the Government Code, relating to compensation for public service in counties of the twenty-seventh class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 482—An act to amend Section 3476a of the Political Code, relating to reclamation districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 753—An act to amend Section 29741 of the Government Code, relating to the audit and allowance of claims against counties.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 855—An act to amend Section 28113 of the Government Code, relating to compensation for public service in counties of the thirteenth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 895—An act to amend Section 28133 of the Government Code, relating to compensation for public services in counties of the thirty-third class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 765—An act to add Title 5 and Sections 500046 and 500047 to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government, and to repeal acts and parts of acts specified therein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 371—An act to add Section 10953.95 to the Insurance Code, relating to insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "an amount not exceeding" and insert "out of".

Amendment No. 2

On page 1 of said bill, strike out lines 10 to 13, inclusive, and insert "which is in excess of the sum of (a) 50 percent of the par value of the capital stock sold and (b) 10 percent of the selling price of said stock, an amount not exceeding 30 percent of the par value of said capital stock."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

SECOND READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 52—Relative to adding Joint Rule No. 6.5 to the Joint Rules of the Senate and the Assembly regarding introduction of bills.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On line 7 of the printed resolution, after the word "by", strike out the word "Unanimous", and insert "two thirds".

Amendment read, and adopted.

Resolution ordered printed, and to third reading.

MOTION TO RETAIN PLACE ON FILE

Senator Judah moved that Senate Bill No. 64 be passed on file and retain its place on file pending receipt of an opinion from the Legislative Counsel.

Motion carried.

Chief Assistant Secretary Cleve V. Taylor at the Desk

THIRD READING OF SENATE BILLS

Senate Bill No. 852—An act to amend Sections 12127, 12128, 12129, 12130, 12131, 12134, 12135, 12136, 12137, and 12144 of the Education Code, relating to the credentials authorizing service in the public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 286—An act to amend Section 13 of the Ventura County Flood Control Act, relating to flood control.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, Miller, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 472—An act to amend Section 13 of the County Water-works District Act, relating to property and obligations of county water-works districts.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 537—An act to amend Section 8552 of the Water Code, relating to the Reclamation Board.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1119—An act authorizing the Director of Finance, with the approval of the Youth Authority, to exchange certain real property in the County of Sonoma, State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1338—An act authorizing the sale, exchange or other disposition of certain state property located in Alameda County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1365—An act to add Section 758.5, to amend Sections 758 and 759.1, and to repeal Section 758a of the Political Code, relating to officers and employees of the district courts of appeal.

Bill read third time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, between lines 15 and 16, insert
"SEC. 2. Section 1 of this act shall take effect October 1, 1949."

Amendment No. 2

On page 1, line 16, of said bill, strike out "2", and insert "3".

Amendment No. 3

On page 2 of said bill, between lines 20 and 21, insert
"SEC. 4. Section 2 of this act shall take effect October 1, 1949."

Amendment No. 4

On page 2, line 21, of said bill, strike out "3", and insert "5".

Amendment No. 5

On page 2 of said bill, between lines 34 and 35, insert
"SEC. 6. Section 5 of this act shall take effect October 1, 1949."

Amendment No. 6

On page 2, line 35, of said bill, strike out "4", and insert "7".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 1484—An act to amend Sections 12440 and 16002 of the Government Code, relating to presentation of claims against the State and drawing warrants therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 34—An act to add Section 13320.5 to the Government Code, relating to budgets of state agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 2.46 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Senate Bill No. 37—An act to amend Section 12973.7 of the Insurance Code, relating to documents and publications.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RETAIN PLACE ON FILE

Senator Abshire moved that Senate Bill No. 70 be passed on file and retain its place on file until Monday, March 21, 1949.

Motion carried.

Senate Bill No. 78—An act authorizing the State Director of Finance to sell, exchange, or otherwise dispose of certain state property located in San Mateo County, and dispose of the proceeds thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth,

Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, and Weybret—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 82—An act authorizing the State Director of Finance to sell, exchange, or otherwise dispose of certain state property located in Stanislaus County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Watson—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 219—An act to amend Section 13600 of the Government Code, relating to publications and documents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Watson—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Hatfield Presiding

At 2:55 p.m., Senator George J. Hatfield of the Twenty-fourth District, presiding.

Senate Bill No. 299—An act to amend the title of, and to add Section 4 to, "An act making an appropriation to the Regents of the University of California for establishing and operating an Institute of Transportation and Traffic Engineering," approved July 19, 1947, relating to the expenses of certain state, county, city and county, city or district officers and employees attending and participating in meetings of such institute.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Watson—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 382—An act to authorize the Director of Finance to convey all right, title and interest of the State of California in and to certain real property in the County of Kern.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parkman, Regan, Rich, Swing, Tenney, Watson, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 567—An act to amend Section 12 and to repeal Section 13 of "An act to provide a unified program of construction, improvement, and equipment for state agencies, creating a State Public Works Board, and making an appropriation to carry out the provisions of this act," relating to reports of the State Public Works Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parkman, Regan, Rich, Swing, Tenney, Watson, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 590—An act to amend Section 14033 of the Government Code, relating to the revolving fund of the Division of Architecture.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 750—An act to add Title 4 and Sections 500041 to 500045, inclusive, to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government, and to repeal acts and parts of acts specified therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 767—An act to add Article 6.5, comprising Sections 1170 to 1176, inclusive, to Chapter 1, Division 4 of Title 1 of the Government Code, and to repeal an act entitled "An act to authorize public agencies to withhold amounts from salaries and wages, paid by public agencies and to comply with provisions of internal revenue laws of the United States, declaring the urgency of this act, to take effect immediately," approved February 10, 1943, (Chapter 48 of the Statutes of 1943), relating to withholding taxes from wages, and to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 768—An act to add Chapter 5, comprising Sections 6500 to 6547, inclusive, to Division 7 of Title 1 of the Government Code, and to repeal an act entitled "An act providing for the joint exercise of powers by counties, by municipalities, or by municipalities and counties," approved May 20, 1921, (Chapter 363 of the Statutes of 1921), and an act entitled "An act authorizing certain indebtedness to be incurred in connection with the joint exercise of powers by public agencies," approved July 2, 1947, (Chapter 1044 of the Statutes of 1947), relating to the joint exercise of powers by cities and counties and the incurring of indebtedness therefor, and to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Watson—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 780—An act to add Section 12425 to the Government Code, relating to duties of the Controller.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Watson—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1111—An act to amend Section 13145 of the Government Code, relative to retention of refunds by state agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, and Watson—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 33—An act to add Section 11010 to the Government Code, relating to charges made by state agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Powers, Regan, Rich, Salsman, Swing, Tenney, and Watson—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 38—An act to add Section 1062.5 to, and to amend Section 11032 of, the Government Code, relating to absences of state officers and employees from the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Watson—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 74—An act to amend Section 13108 of the Government Code, relating to hire or lease of real or personal property of the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Watson—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 782—An act to amend Section 13924 of the Government Code, relating to the valuation of maintenance furnished to state employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Kraft, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 802—An act to amend Sections 419 and 420 of the Vehicle Code, relating to financial responsibility and declaring the urgency thereof.

Bill read third time, and presented by Senator Collier.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 3.50 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Assembly Joint Resolution No. 18—Relative to memorializing the President and Congress to have the Mammoth Pass Road in California constructed as a postwar construction project.

Resolution read, and presented by Senator Hatfield.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jepsen, Johnson, Judah, Keating, Kraft, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Weybret—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 25—Relative to memorializing and petitioning the Congress of the United States to enact the necessary legislation to make the Corona Naval Hospital in Riverside County, California, available to the Veterans Administration.

Resolution read, and presented by Senator Dilworth.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish,

Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Weybret—32.
NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Joint Resolution No. 21—Relating to memorializing the Federal Department of Interior and the Bureau of Reclamation of the Federal Government in relation to reimbursing the State of California and the reconstruction of flood control works on the Sacramento River.

Resolution read.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

On page 2, lines 8 and 9, of the printed measure, as amended in Senate, March 16, 1949, strike out ". By the concurrent resolution of the Senate and the Assembly of the State of California, that" and insert "*by the Senate and Assembly of the State of California, jointly.* That".

Amendment No. 2

On page 2, line 26, of said measure, strike out the period and insert "; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Secretary of the Interior and to each Senator and Representative from California in the Congress of the United States."

Amendments read, and adopted.

Resolution ordered printed, re-engrossed, and to third reading.

Senate Bill No. 1362—An act to repeal Section 22048 of the Education Code, relating to the State Library.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—34.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 47—Commending the Board of Regents and the President of the University of Washington.

Resolution read, and presented by Senator Tenney.

Previous Question

Senator Rich moved the previous question.

Motion carried.

The question being on the adoption of Assembly Concurrent Resolution No. 47.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Donnelly, Dorsey, Gibson, Hat-

field, Hulse, Johnson, Keating, Kraft, McBride, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, and Weybret—28.
NOES—Senators Dillinger, Jespersen, and Judah—3.

Resolution ordered transmitted to the Assembly.

STATEMENT OF REFUSAL TO VOTE BY SENATOR DROBISH

My refusal to vote on Assembly Concurrent Resolution No. 47 was on the ground of policy. I believe such resolutions dealing with out-of-state matters not involving California and on which only hearsay evidence is available should not be subjects of resolutions considered by the California State Senate.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 323

Senator Watson moved that Senate Bill No. 323 be withdrawn from Committee on Fish and Game for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 323—An act to amend Section 1065 of the Fish and Game Code, relating to the taking and use of sardines, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Watson moved the adoption of the following amendments:

Amendment No. 1

On page 1, strike out all of line 1 of the title of the printed bill, and insert "An act to suspend the operation of Section 1065 of the Fish and Game Code, and to add Section 1065a to the Fish and Game Code."

Amendment No. 2

On page 1 of said bill, strike out all of lines 1 and 2, and insert "SECTION 1. The operation of the provisions of Section 1065 of the Fish and Game Code is suspended until the ninety-first day after final adjournment of the Regular General Session of the Legislature in 1951."

Amendment No. 3

On page 1 of said bill, strike out all of line 3, and insert "SEC. 2. 1065a. Sardines may be taken for use in a reduction plant,".

Amendment No. 4

On page 2, line 2, of said bill, after "weight", insert "of the sardines".

Amendment No. 5

On page 2 of said bill, strike out all of line 3, and insert "(8) inches in greatest length. To determine the percentage of fish measuring less than the aforesaid size, samples of one fourteen (14) quart bucket approximately full of sardines shall be taken from various parts of the load or lot, measured, and weighed with the combined weights of all samples determining the percentage. The number of such samples to be taken and the manner of determining the weight of the load or lot shall be prescribed by rules or regulations adopted by the Fish and Game Commission; provided, that in no case may less than ten (10) samples be taken."

Amendment No. 6

On page 2, of said bill, between lines 3 and 4, insert "SEC. 3. The provisions of Section 1065a shall be effective until the ninety-first day after final adjournment of the Regular General Session of the Legislature in 1951 and thereafter shall have no force or effect."

Amendment No. 7

On page 2, line 4, of said bill, strike out "SEC. 2." and insert "SEC. 4."

Amendments read, and adopted.

Bill ordered printed, and referred to Committee on Fish and Game.

MOTION TO PRINT ADDITIONAL COPIES OF THE PARTIAL REPORT OF THE INTERIM COMMITTEE ON STATE AND LOCAL TAXATION

Senator Hulse moved that 1,000 additional copies of the Partial Report of the Interim Committee on State and Local Taxation as authorized in the Journal of January 28, 1949, the letter of transmittal appearing on page 410, be printed for distribution.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 604
Assembly Bill No. 696
Assembly Bill No. 1354
Assembly Bill No. 1355
Assembly Bill No. 2421
Assembly Bill No. 2422

Assembly Bill No. 2424
Assembly Bill No. 2425
Assembly Bill No. 2426
Assembly Bill No. 2427
Assembly Bill No. 2428

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 604—An act to amend Section 109 of, and to add Sections 128.2, 135, and 139.40 to the Vehicle Code, relating to the powers and duties of the Department of Motor Vehicles and the Department of the California Highway Patrol.

Referred to Committee on Transportation.

Assembly Bill No. 696—An act to amend Section 412 of the Code of Civil Procedure, relating to commencement of actions.

Referred to Committee on Judiciary.

Assembly Bill No. 1354—An act to amend Sections 1731.5 and 1732 of the Welfare and Institutions Code, relating to commitments to the Youth Authority.

Referred to Committee on Social Welfare.

Assembly Bill No. 1355—An act to amend Section 604 of the Welfare and Institutions Code, relating to probation committees.

Referred to Committee on Social Welfare.

Assembly Bill No. 2421—An act to amend Section 19390 of the Government Code, relating to the right of state employees entering the

military service to be restored to their former position and civil service status upon termination of such military service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2422—An act to amend Section 19611 of the Education Code, relating to child care centers.

Referred to Committee on Education.

Assembly Bill No. 2424—An act to amend Section 1331 of the Streets and Highways Code, relating to the county road commissioner.

Referred to Committee on Transportation.

Assembly Bill No. 2425—An act to amend Section 3641 of the Corporations Code, relating to the identification of provisions of the articles of incorporation.

Referred to Committee on Judiciary.

Assembly Bill No. 2426—An act to amend Section 4300f of the Political Code, relating to jurors' fees.

Referred to Committee on Judiciary.

Assembly Bill No. 2427—An act to amend Section 8802 of the Health and Safety Code, relating to cemetery associations.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2428—An act to add Section 500017.5 to the Government Code, repealing an act entitled "An act in relation to clerks in the office of the Secretary of State and to provide for their pay," approved April 14, 1853.

Referred to Committee on Governmental Efficiency.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 267
Assembly Bill No. 268
Assembly Bill No. 503

Assembly Bill No. 2697
Assembly Bill No. 2851

ARTHUR A. OILINIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 267—An act to amend Sections 944 and 945 of the Military and Veterans Code, relating to the burial of veterans and veterans' widows.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 268—An act to amend Section 1086.1 of the Military and Veterans Code, relating to the hospitalization and medical aid for physically ill members of the Woman's Relief Corps Home of

California and for the reimbursement of hospitals and physicians rendering this aid.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 503—An act to amend Section 985 of the Military and Veterans Code, relating to veterans' farm and home purchases.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 2697—An act to add Section 261 to the Revenue and Taxation Code, relating to veterans' and welfare property tax exemptions.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 2851—An act relating to public officers and their return to public service from service in the armed forces.

Referred to Committee on Military and Veterans Affairs.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 17, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 33

Senate Bill No. 382

Senate Bill No. 38

Senate Bill No. 782

Senate Bill No. 74

Senate Joint Resolution No. 21

Senate Bill No. 293

Senate Joint Resolution No. 22

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 17, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 796

Senate Bill No. 797

Senate Bill No. 819

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

HUGH M. BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 17, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 799

Senate Bill No. 800

Senate Bill No. 803

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

HUGH M. BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 17, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 401

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 4.29 p.m., on motion of Senator Dorsey, the President declared the Senate adjourned until 10 a.m., Friday, March 18, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-FIRST LEGISLATIVE DAY

SEVENTY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, March 18, 1949

The Senate met at 10 a.m.

Hon. Harold J. Powers, President pro Tempore of the Senate,
presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch,
Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey,
Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride,
Powers, Rich, Salsman, Sutton, Swing, Watson, and Weybret—31.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Himman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Williams, on motion of Senator Cunningham, due to legis-
lative business.Senator Ward, on motion of Senator Keating, due to legislative
business.Senator O'Gara, on motion of Senator Keating, due to legislative
business.Senator Tenney, on motion of Senator Keating, due to legislative
business.Senator Mayo, on motion of Senator Keating, due to legislative
business.

Senator Regan, on motion of Senator Keating, due to legislative business.

Senator Parkman, on motion of Senator Kraft, due to legislative business.

Senator Miller, on motion of Senator Johnson, due to legislative business.

Senator Desmond, on motion of Senator Keating, due to legislative business.

MOTION TO PRINT NAMES OF GUESTS IN JOURNAL

Senator Salsman moved that there be inserted in the Journal of this day's proceedings the following list of names of students and instructors from St. Dominic's School in San Francisco, and St. Peter's High School in San Francisco, as guests of Senators O'Gara, Miller, and Regan. These were omitted in the Journal of March 17, 1949, as their names were not available.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators O'Gara, Miller, and Regan, the privilege of the floor of the Senate Chamber for March 17, 1949, was unanimously extended to Rev. Brother Stanislaus, F.S.C., and the following students of St. Peter's High School, of San Francisco: John Ferro, Donald Gaudette, Richard Gill, Stanton Lee, Robert Maffei, Dennis McCarthy, Frank Nolte, William Perasso, Hugh Peterson, Robert Reynolds, Joseph Roche, Walter Riley, Norman Saucedo, Michael Tarhanoff, Louis Walker, John Warren; Robert Reynolds, Norman Saucedo, John Ferro, and Louis C. Walker, Sr., and John Maffei, parents.

On request of Senators O'Gara, Miller, and Regan, the privilege of the floor of the Senate Chamber for March 17, 1949, was unanimously extended to Father Ward, Sisters Regina, Antoninas, and Laetitia, and the following students of St. Dominic's School of San Francisco: Edward Dollard, George Lawton, Irene Jerabek, Nancy Ann Smith, Henry Schaeffer, Patricia Tout, Tom Nuyens, Jane Ann Nuyens, John Steen, Michael Donohue, Beverly Davies, Giannina Loyocan, Charyl Powers, Gwendolyn McClone, Joann Sylakowski, Yvonne Willette, Marilyn Maschi, Helen Mathews, Bill McManus, John McGuire, Carlos Sevilla, Annette Biber, Mary Mullarky, Richard E. Sweet, Paul Ryan, Clementina Radillo, Francine Catania, Adele Portillo, William Kiner, Veronica G. Sesiunin, Elias A. Silva, Irene Crise, and Evelyn Essaff.

On request of Senator Weybret, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Lundy of Monterey.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. W. Jensen and Harvey Chase of Orange Cove and Leroy McCormack of Visalia.

On request of Senators Hugh M. Burns and Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended

to Mrs. Will Martin of Reedley, Mrs. C. Sam Johnson and Mrs. Fred H. Diel of Fresno.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dan O'Donnell of San Luis Obispo.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Phil Lewis and Lloyd Hamilton of Lakeport.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 17, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 41	Senate Bill No. 390
Senate Bill No. 42	Senate Bill No. 392
Senate Bill No. 43	Senate Bill No. 482
Senate Bill No. 44	Senate Bill No. 753
Senate Bill No. 79	Senate Bill No. 765
Senate Bill No. 92	Senate Bill No. 855
Senate Bill No. 148	Senate Bill No. 895
Senate Bill No. 195	

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 18, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 560
Senate Bill No. 1512

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 18, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1365
Senate Joint Resolution No. 21

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 17, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 352	Senate Bill No. 660
Senate Bill No. 431	Senate Bill No. 661
Senate Bill No. 471	Senate Bill No. 663
Senate Bill No. 654	Senate Bill No. 664
Senate Bill No. 655	Senate Bill No. 665
Senate Bill No. 656	Senate Bill No. 741
Senate Bill No. 657	Senate Bill No. 1343
Senate Bill No. 659	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 17, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1146

Senate Bill No. 1147

Senate Bill No. 1148

Has had the same under consideration, and reports the same back without recommendation, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 17, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 251

Senate Bill No. 658

Senate Bill No. 273

Senate Bill No. 666

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 17, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 280

Senate Bill No. 515

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 17, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1185

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Business and Professions.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill re-referred to Committee on Business and Professions.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 708

Senator Collier moved that Senate Bill No. 708 be withdrawn from Committee on Fish and Game for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 708.—An act to amend Sections 50, 51, and 54 of the Fish and Game Code, relating to game management.

Bill read second time.

Motion to Amend

Senator Collier moved the adoption of the following amendment :

Amendment No. 1

On page 2, line 14, of the printed bill as amended, after "which", insert "the license is applied for; whether the applicant proposes to propagate and rear the birds to be released and if so the location or proposed location where the birds are to be propagated and reared; whether the applicant proposes to purchase birds for release; whether the applicant proposes to charge a fee for the right to shoot birds on his lands and the amount of such fee; and such other information as the commission may require."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 692

Senator Hatfield moved that Senate Bill No. 692 be withdrawn from Committee on Public Health and Safety for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 692—An act to amend Sections 4741 and 4762 of, and to repeal Sections 4797 and 4798 of the Health and Safety Code, relating to county sanitation districts.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "of," insert "add Section 4742.1 to,".

Amendment No. 2

On page 2 of said bill, strike out lines 6 and 7, and insert

"SEC. 3. Section 4742.1 is added to the Health and Safety Code, to read:

4742.1. It may enter into contracts with any person or corporation on any matter relating to a sewage system or sewage disposal or treatment plant.

SEC. 4. Sections 4797 and 4798 of the Health and Safety Code are hereby repealed."

Amendment No. 3

In line 1 of the title of the printed bill, strike out "and 4762", and insert ", 4762 and 4788".

Amendment No. 4

On page 1, line 9, of said bill, strike out "easements", and insert "easements".

Amendment No. 5

On page 2 of said bill, after line 7, insert

"SEC. 4. Section 4788 of the Health and Safety Code is amended to read:

4788. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable substantially in the following manner: A part to be determined by the district board, which shall not be less than one-fortieth part of the whole amount of the indebtedness, shall be payable each and every year on a day and date, and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums unpaid on that date until the whole of the indebtedness has been paid. *Provided, however, that the district board may in its discretion fix a date for the earliest maturity of the principal of the bonds commencing not more than five years from the date of such bonds, in which event not*

less than one-fortieth part of the whole amount of the indebtedness shall be payable each and every year beginning with the date of the earliest maturity of any part of the principal of such issue of bonds, and the final maturity shall be paid in not to exceed forty years from the date of such bonds."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill No. 1330 -An act to add Section 450.1 to the California Unemployment Insurance Act, relating to disability insurance, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, of the printed bill, strike out lines 3 through 14 and insert Sec. 450.1. When workers are engaged in an employment that normally involves working for several employers in the same industry interchangeably, and several employers or some of them cooperate to establish a plan for the payment of wages at a central place or places, and have appointed an agent under Sec. 9.8 (a), such agent may apply to the commission for approval of a voluntary plan for the payment of disability benefits applicable to all employees whose wages are paid at one or more such central place or places. Notwithstanding the provisions of Sec. 451 of this act, the commission shall approve any voluntary plan with respect to which an application has been filed under this section as to which it finds that all of the following exist:

(a) The rights afforded to the covered employees are greater than those provided for in Part 2 of this article.

(b) The plan applies to all employees whose wages are paid at such central place or places with respect to all employment for which wages are paid at such central place or places.

(c) Seventy-five percent of the workers regularly paid at such central place or places have consented to the plan prior to the filing of the initial application for approval thereof.

(d) If the plan provides for insurance the form of the insurance policies to be issued have been approved by the Insurance Commissioner and are to be issued by an admitted disability insurer.

(e) All employers paying wages through such central place or places have agreed to participation in the plan and the agent appointed under Sec. 9.8 (a) has agreed to make the pay roll deductions required, if any, and transmit the proceeds to the plan insurer, if any.

(f) The plan provides for the inclusion of all future employees paid at such central place or places.

(g) The plan is to be in effect for a period of not less than one year, and, thereafter, continuously unless the commission finds that the agent or a majority of the employees regularly paid at such central place or places has given written notice of the termination of such plan. Such notice shall be filed in writing with the commission at least sixty days before it is to become effective and, upon such filing, shall be effective as to wages paid after the beginning of the calendar quarter next following the end of said 60-day period.

(h) The approval of the plan or plans will not result in a substantial selection of risks adverse to the Disability Fund. During the effective period of such approved plan the employer, or his agent appointed under Sec. 9.8 (a), shall be empowered to make the pay roll deductions provided for by such plan, with respect to all employment covered by such plan.

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 796—An act to add Section 125 to the Business and Professions Code, prohibiting certain practices by persons licensed under said code and providing penalties for violations thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, of the printed bill, strike out all of line 11.

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 797—An act to amend Sections 2141, 2142, 2319, 2426, and 2435 of the Business and Professions Code, relating to the practice of the healing arts and the regulation and licensing thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "in this State," and insert "(whether physically or mentally ill).".

Amendment No. 2

On page 1, line 7, of said bill, after "disfigurement," insert "physical, mental or nervous disease or".

Amendment No. 3

On page 2, line 30, of said bill, strike out "becomes", and insert "is".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 819—An act to add Section 17500.1 to the Business and Professions Code, relating to regulation of advertising.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1 of the printed bill, after line 8, insert

"The provisions of this section do not apply to any rules or regulations heretofore or hereafter formulated pursuant to Section 6076 of this code."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 799—An act to add Section 161 to the Business and Professions Code, relating to the sale of copies of the public records of boards within the Department of Professional and Vocational Standards.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 800—An act to add Section 162 to the Business and Professions Code, and to repeal Section 7080.1 of said code, and to amend Section 7080 of said code, relating to certificates of certain officers of boards within the Department of Professional and Vocational Standards.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 803—An act to amend Section 6736 of the Business and Professions Code, relating to the practice of civil engineering.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 401—An act to amend Sections 11540 and 11541 of the Business and Professions Code, relating to subdivision maps.

Bill read second time, ordered engrossed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 228—An act to amend Section 12130 of the Education Code, relating to the general elementary credential.

Bill read third time.

Motion to Refer Bill to Inactive File

Senator Dilworth moved that Senate Bill No. 228 be placed on the inactive file.

Motion carried.

Senate Bill No. 272—An act to amend Sections 12130.1, 12400.1, and 12402.1 of the Education Code, and to add Section 12130.2 to said code, all relating to the credentials authorizing service in the public schools, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, McBride, Powers, Salsman, Sutton, Watson, and Weybret—27.

NOES—None.

The roll was called and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, McBride, Powers, Salsman, Sutton, Watson, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 92—An act to amend Section 25601 of the Government Code, relating to wild flowers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Kraft, Mayo, Powers, Salsman, Sutton, Watson, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 95—An act to repeal Article 4 of Chapter 1 of Division 20, consisting of Sections 24150 and 24151, of the Health and Safety Code, and to add Sections 267 and 268 to the Harbors and Navigation Code, relating to regulation of power boats and motor boat races.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Powers, Salsman, Sutton, Watson, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 148—An act to amend Section 750.2 of the Agricultural Code, relating to the effective period of Chapter 14 of Division 4 of said code, relating to the California Dairy Industry Advisory Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Kraft, Powers, Salsman, Sutton, Watson, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 79—An act to amend Section 27640 of the Government Code, relating to the appointment of county counsels in counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Powers, Salsman, Sutton, Watson, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 195—An act to amend Section 28127 of the Government Code, relating to compensation for public service in counties of the twenty-seventh class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Powers, Salsman, Sutton, and Watson—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 753—An act to amend Section 29741 of the Government Code, relating to the audit and allowance of claims against counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Powers, Salsman, Sutton, Watson, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 895—An act to amend Section 28133 of the Government Code, relating to compensation for public services in counties of the thirty-third class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Kraft, Powers, Salsman, Sutton, Watson, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 765—An act to add Title 5 and Sections 500046 and 500047 to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government, and to repeal acts and parts of acts specified therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Powers, Salsman, Watson, and Weybret—22.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 497

Senator Dorsey moved that Senate Bill No. 497 be withdrawn from Committee on Judiciary for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 497—An act to amend Sections 749 and 751 of the Code of Civil Procedure, relating to the determination of conflicting claims to real property.

Bill read second time.

Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

Amendment No. 1

On line 1 of the title of the printed bill, strike out "amend Sections 749 and 751 of", and insert "add Sections 749.1 and 751.1 to".

Amendment No. 2

On page 1, lines 1 and 2, of said bill, strike out "749 of the Code of Civil Procedure is amended", and insert "749.1 is added to the Code of Civil Procedure".

Amendment No. 3

On page 1, line 3, of said bill, strike out "749", and insert "749.1".

Amendment No. 4

On page 2, line 27, of said bill, strike out "751 of said code is amended", and insert "751.1 is added to said code".

Amendment No. 5

On page 2, line 28, of said bill, strike out "751", and insert "751.1".

Amendment No. 6

On page 2, line 29, of said bill, strike out "the preceding section", and insert "Section 750 of this code".

Amendment No. 7

On page 3, line 9, of said bill, strike out "and the two preceding sections", and insert "section and Section 749.1".

Amendment No. 8

On page 3, line 12, of said bill, strike out the period and insert "and shall be construed as an alternative remedy to the remedy provided in Sections 749, 750, 751, and 751a and not as repealing or amending those sections.

Sections 750 and 751a shall apply to and be a part of the alternative remedy provided by this section and Section 749.1."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Education

SENATE CHAMBER, SACRAMENTO, March 18, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 35

Senate Bill No. 873

Senate Bill No. 1354

Assembly Bill No. 1591

Senate Bill No. 1355

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:

Senate Bill No. 850

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 1028

Senate Bill No. 1325

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

Committee on Institutions

SENATE CHAMBER, SACRAMENTO, March 18, 1949

MR. PRESIDENT: The Committee on Institutions, to which was referred:

Senate Bill No. 598

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

DORSEY, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 10.55 a.m., on motion of Senator Salsman, the President declared the Senate adjourned until 2 p.m., Monday, March 21, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-SECOND LEGISLATIVE DAY

SEVENTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, March 21, 1949

The Senate met at 2 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Salsman, on motion of Senator Powers.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. B. Leduc, President, Board of Directors, and W. F. Hollingsworth, Secretary, Stanislaus District Fair Association, both residents of Turlock.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter Blair Steward, Walter Blair Steward, Jr., and John Weffley of Graeagle.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jess Fiddler of Dunsmuir.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Kee, Mrs. Peterson, Mrs. Wood, and Mrs. Zankich of Bodega Bay.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lee Gaither of Los Molinos.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dorothy Lord of Riverside.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. George Cooper of Sacramento.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. W. Sueckel, Recorder of Tulare County of Visalia.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. Dresback, Principal, Mrs. Belva Boynton, instructor, and the following students of the Ashland School of San Lorenzo: Lois Anderson, Jon Sligar, Jack Almstad, Harvey Aydelotte, Modena Barnes, Geraldine Brooks, Doris Davis, Keith De Ruig, Eddie Devlin, Ray Duncan, Martha Godbehere, Sarah Guerdias, Jean Cole, Diane Hall, Ronnie Espindola, Ronald Hansen, John Hembre, Tony Hermoso, Lawana Hess, Beverly Hines, Mary Ann Hines, Beverly Hitchcock, Miriam Kawahara, Joanne Kyle, Marilyn Le Roy, Roland Medeiros, Don McDonald, Joe Muren, Marie Mancuso, Bob Porto, Pattijune Prindle, Yvonne Regas, Claude Robinson, Thomas Silva, Marilyn Spangler, Saffie Tagle, Tom Tillitz, Jerry Weber, Dick Wood, Nancy Welshinger, Ray Whistler, Ann Meli, Ronald Hernandez, and Richard Thompson.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack Hines of Sacramento, H. J. Cummings and Al Farmer of Los Angeles.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eugene Biscailuz, Sheriff of Los Angeles County, and L. N. Kay of Los Angeles.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mary Scanlon and Margaret Scanlon of Daly City.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lawrence Meredith, Stanley Denner, Russell Denner, Jr., Charles Holgersen, Mrs. F. W. Wallace, Mr. and Mrs. Louis Baker, Mr. and Mrs. Russell Denner, Sr., Mr. and Mrs. Roy Wakeland, Mr. and Mrs. Bruno Pelletti, Mr. and Mrs. Ernest Kobler, and Lloyd Rickman, all of Santa Rosa.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Salvatore C. J. Fusco of San Francisco.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edna Longshore, teacher, and the following students of Sarah Dix Hamlin School of San Francisco: Patricia Robb, Charlotte Kempner, Millicent Maas,

Patricia Hart, Gloria Lobaugh, Ann Brawner, Peggy Heuer, Jane Magee, Sally Sproles, Alice Jane Gates, Joan Sims, Andrea Hayes, Caroline Jonck, Joan Frederick, Jane Howard, Ann Carrillo, and Ruth Quigley.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. C. D. Hart and Mrs. James Hayes of San Francisco.

On request of Senators O'Gara and Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edward M. O'Neill, Director, and the following members of the Red Shield Boys' Club of the Salvation Army of San Francisco: Dale Nethercutt, Paul Guldbeck, Ernest Cobarruviaz, Eddie England, Keith Norgard, Charles Norgard, Richard Morillon, Alfred Gonzales, Joe Minto, James Gillis, and Bill Perry.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 207
Assembly Bill No. 376
Assembly Bill No. 882
Assembly Bill No. 904
Assembly Bill No. 905

Assembly Bill No. 921
Assembly Bill No. 923
Assembly Bill No. 924
Assembly Bill No. 1314

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 207—An act to amend Section 29.1 of the Fish and Game Code, relating to bounties on crows and magpies.

Referred to Committee on Fish and Game.

Assembly Bill No. 376—An act to amend Section 18191 of the Education Code, relating to the construction of school buildings.

Referred to Committee on Education.

Assembly Bill No. 882—An act to amend Sections 990 and 990.1 of the Fish and Game Code, relating to commercial fishing licenses.

Referred to Committee on Fish and Game.

Assembly Bill No. 904—An act to add Section 1045 to the Agricultural Code, relating to fertilizing materials.

Referred to Committee on Agriculture.

Assembly Bill No. 905—An act to amend Sections 1010 and 1011 of the Agricultural Code, relating to spray residue.

Referred to Committee on Agriculture.

Assembly Bill No. 921—An act to amend Section 809 of the Agricultural Code, relating to walnut standards.

Referred to Committee on Agriculture.

Assembly Bill No. 923—An act to amend Section 18.1 of the Agricultural Producers Marketing Act, relating to amendments to marketing programs and declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

Assembly Bill No. 924—An act to add Section 1276 to the Agricultural Code, relating to the disposition and use of moneys derived from provisions of said code pertaining to produce dealers and processors.

Referred to Committee on Agriculture.

Assembly Bill No. 1314—An act to amend Section 802 of the Agricultural Code, relating to standards for grapes, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 188

Assembly Bill No. 416

Assembly Bill No. 506

Assembly Bill No. 868

Assembly Bill No. 1356

Assembly Bill No. 2247

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWBIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 188—An act to amend Section 981.1 of the Military and Veterans Code, relating to educational assistance to veterans, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 416—An act to add Section 638.1 to the Welfare and Institutions Code, relating to the duties of probation officers.

Referred to Committee on Social Welfare.

Assembly Bill No. 506—An act to add Section 984 to Article 3, Chapter 6, Division 4 of the Military and Veterans Code, relating to farm and home purchases.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 868—An act to amend Sections 1261 and 1262 of the Military and Veterans Code, relating to veterans' affairs.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1356—An act to add Section 1767.7 to the Welfare and Institutions Code, relating to the care of paroled persons under the jurisdiction of the Youth Authority.

Referred to Committee on Social Welfare.

Assembly Bill No. 2247—An act to amend Section 2924c of the Civil Code, relating to reinstatement of deeds of trust and mortgages, and attorneys fees in connection therewith.

Referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 874
Assembly Bill No. 1408

Assembly Bill No. 1411
Assembly Bill No. 1413

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By JOHN WENDT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 874—An act to amend Section 783 of the Fish and Game Code, relating to lobsters.

Referred to Committee on Fish and Game.

Assembly Bill No. 1408—An act to repeal Section 692 of the Fish and Game Code, relating to District 22.

Referred to Committee on Fish and Game.

Assembly Bill No. 1411—An act to add Section 976 to the Fish and Game Code, relating to mudsuckers.

Referred to Committee on Fish and Game.

Assembly Bill No. 1413—An act to repeal Section 995.3 of the Fish and Game Code, relating to taking sheephead and eel.

Referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 21, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 796
Senate Bill No. 797

Senate Bill No. 819
Senate Bill No. 1330

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 18, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 401
Senate Bill No. 799

Senate Bill No. 800
Senate Bill No. 803

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Elections

SENATE CHAMBER, SACRAMENTO, March 21, 1949

MR. PRESIDENT: The Committee on Elections, to which were referred:

Senate Bill No. 190
Senate Bill No. 215

Senate Bill No. 216
Senate Bill No. 754

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

WEYBRET, Chairman

Above reported bills ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, March 21, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred Senate Bill No. 874

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

DONNELLY, Chairman

Above reported bill ordered to second reading.

MOTION TO APPROVE JOURNALS

Senator Powers moved that the Journals for Monday, March 14, 1949; Tuesday, March 15, 1949; Wednesday, March 16, 1949; Thursday, March 17, 1949; and Friday, March 18, 1949, be approved as corrected by the Minute Clerk and the Journal Clerk.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Senator Dorsey:

Senate Resolution No. 74

Relative to continuing powers of the Senate Standing Committee on Institutions

WHEREAS, The Senate Committee on Institutions was by Senate Resolution No. 55 constituted an investigating committee pursuant to Rule 12.5 and Senate Resolution No. 24 of the 1949 Regular Session and authorized to act during this session of the Legislature, including any recess but not after final adjournment, with authority to file final report not later than March 22, 1949; and

WHEREAS, It appears that additional time will be required for further possible hearings, correlation of the materials submitted at the hearings, the preparation of the final report and the adoption of recommendations pertaining to the subject of the investigation by this committee; now, therefore, be it

Resolved, By the Senate of the State of California, that the said Senate Committee on Institutions is authorized to act during this session of the Legislature including any recess and until April 30, 1949, with authority to file its final report not later than that date.

Resolution read, and on motion of Senator Dorsey, was unanimously adopted.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 24

Senator Hatfield moved that Senate Bill No. 24 be withdrawn from Committee on Rules for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 24—An act to add Sections 9105 and 9106 to the Government Code, relating to the State Capitol Building, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 9105 and 9106 to", and insert "Article 5 to Chapter 1 of Part 1 of Division 2 of Title 2 of".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 17, and insert

"SECTION 1. Article 5 is added to Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, to read:

Article 5. The State Capitol Building

9105. The State Capitol Building is the building situated in the area bounded by 10th, L, 15th and N Streets in the City of Sacramento and includes all additions and annexes thereto hereafter constructed.

9106. The State Capitol Building is intended primarily for the use of the legislative department and, except for so much thereof as may be released pursuant to this article, shall be devoted exclusively to such use.

9107. There is hereby created the State Capitol Committee which consists of the Assembly Capitol Committee and the Senate Capitol Committee. The Senate Capitol Committee consists of the President pro Tempore of the Senate and four Members of the Senate appointed by the Committee on Rules thereof. The Assembly Capitol Committee consists of the Speaker of the Assembly, the Chairman of the Committee on Rules thereof, and three Members of the Assembly appointed by the Speaker thereof. Each committee herein created has a continuing existence and may meet and act during sessions of the Legislature or any recess thereof and in the interim periods between sessions. The provisions of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committees herein created and they shall have all the powers and authority provided in said rules, in Section 37 of Article IV of the Constitution of California, and in this article.

9108. Space in the State Capitol Building shall be allocated from time to time by the State Capitol Committee in accordance with its determination of the needs of the Legislature and the two houses thereof. Said committee shall allocate such space as it determines to be necessary for facilities and agencies dealing with the Legislature as a whole, including but not limited to press quarters, bill rooms, telephone rooms, and offices for the Legislative Counsel and for committees created by the two houses jointly. Said committee shall allocate to the Senate and Assembly, respectively, the space it determines to be needed by such houses and their committees and the officers, employees, and attaches thereof. The space thus allocated to the Senate and to the Assembly shall be allotted from time to time by the Senate Capitol Committee and the Assembly Capitol Committee, respectively.

9109. The determination of the State Capitol Committee as to the needs of the Legislature shall be subject to change only by action of said committee or by concurrent resolution. If, at any time, said committee determines that there is space in the State Capitol Building in excess of the needs of the legislative branch of the State Government it may release such space for use by the executive branch of the State Government until such time as such space is needed by the legislative branch. Such release shall be effected by notifying the Director of Finance that certain described space is not necessary for the use by the Legislature for the time being. Thereafter the Department of Finance, until such time as the Director of Finance is notified that the space has become needed by the legislative branch, shall have the same jurisdiction over such excess space as if this article had not been enacted.

9110. The maintenance and operation of all of the State Capitol Building shall continue under the control of the Department of Finance, subject to the provisions of this article.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall take effect immediately. The facts constituting such necessity are:

The State Capitol Building has proved entirely inadequate and the Legislature has been severely handicapped in carrying out its functions. Additions are proposed to be made to said building during the construction of which there will be even less space available. The Legislature, as one of the three coordinate branches of the State Government, must be provided with facilities sufficient to permit it to perform its duties. The nature and extent of the facilities so required are matters as to which the legislative branch of the State Government should have exclusive jurisdiction. In order that proper arrangements can be made to provide for such facilities during the period of construction of the proposed addition and to assure that the needs of the Legislature will thereafter be complied with it is necessary that this act take immediate effect."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Rules.

Motion to Take Bill From the Inactive File

Senator Powers moved that Senate Joint Resolution No. 7 be taken from the inactive file and placed on the second reading file.

Motion carried.

LETTER OF TRANSMITTAL

SENATE CHAMBER, STATE CAPITOL,
SACRAMENTO, CALIFORNIA, January, 1949

*Hon. Goodwin J. Knight, President of the Senate
Senate Chamber, State Capitol
Sacramento, California*

MR. PRESIDENT: Your Senate Investigating Committee on Education was created by Senate Resolution No. 71 and continued by Senate Resolution No. 114, of the 1947 Regular Session of the Legislature. The following members were appointed to serve thereon:

NELSON S. DILWORTH, Chairman	37th District
HUGH P. DONNELLY	22d District
CHRIS N. JESPERSEN	29th District
FRED WEYBRET	25th District
J. HOWARD WILLIAMS	32d District

In January, 1948, the Senate Investigating Committee on Education engaged the services of Colonel Louis S. N. Philipp to prepare our second report which dealt specifically with the need for state assistance in building school housing and the need for additional higher educational facilities of the college and university grade. Also, in March, 1948, he assisted in preparation of our third report which dealt with certain text book matters.

Thereafter the committee requested that he start work on a survey of the public junior colleges of the State. This work was interrupted for a short period by work on veterans housing investigations in the Redlands, Colton, and San Bernardino area for another Senate committee.

A brief questionnaire to the administrators of the public junior colleges of the State elicited a very high percentage of responses, furnishing leads for study of the most pressing problems affecting these schools. In September Colonel Philipp was recalled to United States Army service as an instructor in the Command and Staff School, held at Ft. MacArthur, California, returning to duty with the committee in November.

Colonel Philipp holds the degree of B.S. and M.S. from Vanderbilt University and has done graduate work at the University of Lyon (Rhône) France and in the School of Education, University of Cincinnati, Ohio. During the war he was Instructor in Intelligence, Command and General Staff College, Ft. Leavenworth, Kansas, and Chief of Order of Battle Training, Military Intelligence Training Center, Camp Ritchie, Maryland.

This partial report consists of two main parts. The first part is a review of the public day junior colleges of the State from data obtained from many accredited sources, showing locations, the present enrollment, the effects of population growth on these schools, the effects of population increases, the curricula offered, and makes certain recommendations for future studies of the problems faced by these schools. The second part contains a brief resume of the questionnaires received from each school and the comments of a responsible officer from that school regarding the educational service which the school is now rendering to its community and plans for meeting future community or area needs.

In addition to the data obtained from these questionnaires, information was furnished by the office of the State Superintendent of Public Instruction (Division of Research and Statistics, and Division of Secondary Education); from the California Association of Junior Colleges and from publications as indicated in the report.

The committee also acknowledges the advice and assistance of Dr. John Lounsbury, president, San Bernardino Valley College and Dr. Basil H. Peterson, President, Orange Coast Junior College, present and past presidents of the California Junior College Association and Dr. Charles S. Morris, President, San Mateo Junior College, chairman of the California Junior College Association Legislative Committee, and all others who have cooperated in this inquiry.

A further report by the committee on other phases of education will be submitted in a few days.

Respectfully submitted,

NELSON S. DILWORTH, Chairman
HUGH P. DONNELLY
CHRIS N. JESPERSEN
FRED WEYBRET
J. HOWARD WILLIAMS

Letter of Transmittal ordered printed in the Journal and report ordered printed in Appendix to the Journal.

**MOTION TO PRINT COPIES OF PARTIAL REPORT OF SENATE
INVESTIGATING COMMITTEE ON EDUCATION**

Senator Dilworth moved that 2,500 copies of the partial report of the Senate Investigating Committee on Education, pursuant to the above letter of transmittal, be printed for distribution.

Motion carried.

MOTION TO PRINT REPORT IN JOURNAL

Senator Hatfield moved that the following report by Samuel C. May, Director, Bureau of Public Administration, University of California, on "Milk Pricing," be printed in the Journal, in 10-point type.

Motion carried.

UNIVERSITY OF CALIFORNIA

BUREAU OF PUBLIC ADMINISTRATION

BERKELEY 4, CALIFORNIA, March 18, 1949

Senator George J. Hatfield

State Capitol, Sacramento, California

DEAR SENATOR HATFIELD: A report on *Milk Pricing: Current Problems*, prepared by Kenneth Decker, with an Appendix on "The Use of Automatic Formulas in Pricing Market Milk," by Professor R. G. Bressler, Jr., is enclosed. We hope that this will answer your need for a study of milk pricing.

If we can be of further service to you, please let us hear from you again.

With kind personal regards, I am

Very sincerely yours,

SCM:MLS

SAMUEL C. MAY, Director

Enclosure

BUREAU OF PUBLIC ADMINISTRATION

University of California

Berkeley 4

SAMUEL C. MAY, Director

MILK PRICING: CURRENT PROBLEMS

By KENNETH L. DECKER

March 18, 1949

Preface

The problems of milk pricing in California at the present time are the subject of study by the State Department of Agriculture, Bureau of Milk Control, the Giannini Foundation, and the University of California College of Agriculture. This report briefly indicates the problems of milk pricing and the recent work that has been done toward their solution.

MILK PRICING: CURRENT PROBLEMS

Currently, there are two rather distinct pricing problems. One is that of determining a more equitable basis on which to pay producers for milk of varying fat and nonfat solids content. The second and more general problem is that of determining a better method for making the

adjustments which are necessary from time to time in the legal minimum prices of milk. In brief, the first problem concerns the differences in value of the *content* of milk produced; the second problem concerns the *price* at which milk shall be sold on the market.

Content

In the 1947 Session of the California Legislature, Senate Resolution No. 74 called for reconsideration of the basis on which payment was being made to milk producers in California. The existing basis provided for payment in direct ratio to the fat content of the milk. In accordance with the resolution, the Division of Agricultural Economics of the University of California has been conducting research to determine a more equitable basis of payment. The final results of this research are not yet available; however, a preliminary statement was prepared in January, 1948, which indicates the problems involved as well as the inequities of the existing method of payment.¹ According to this statement, the existing method of paying for milk in proportion to fat content implied the following assumptions:

- "(1) that the ratio of fat to nonfat solids remains constant regardless of fat content, in which case a hundred pounds of 6 percent milk would contain the same amount of total (fat plus nonfat) solids as would two hundred pounds of 3 percent milk; or
- (2) that no economic value is attached to any differences in amounts of nonfat solids which may be associated with milk of varying fat content."

The statement purports to show that neither of these assumptions is correct. It has been determined by experts in the field of dairy chemistry that the first assumption is not correct; instead of remaining constant, the ratio of fat to nonfat solids increases in milk with greater fat content. This determination was made, however, with samples received from New England producers, and other studies have shown that the composition of milk, and therefore the ratio of fat to solids-not-fat, tends to vary with such factors as the breed of cattle and the climatic conditions under which the milk is produced. It has therefore been necessary to determine whether the findings of the New England study are applicable to milk produced under California conditions. Such a study is now being made by the Dairy Industry Division of the College of Agriculture at Davis, under the chairmanship of E. L. Jack.

Price

Prices of market milk² in California are subject to control by the State Department of Agriculture, Bureau of Milk Control. Milk price control by the State of California was authorized by the Young Act of 1935, which provided minimum prices for producers, and the Desmond Act of 1937, which provided minimum wholesale and minimum retail prices.³ Milk control provisions are contained in Chapter 13, Division 4,

¹ California, University, College of Agriculture, Agricultural Experiment Station, *Bases for Payment of Milk* (January 28, 1948) (A Preliminary Statement to the Director of Agriculture for Presentation at Public Milk Hearings); by D. A. Clarke, Jr. and J. M. Tinley.

² See glossary of terms on separate page.

³ In many eastern and midwestern states milk prices are determined by federal marketing agreements authorized by the Agricultural Marketing Act of 1937. These agreements establish minimum prices to producers. In some states there is state regulation of prices in areas not covered by federal marketing agreements. California, with an intrastate milk market only, has no federal marketing agreement. California's provision of minimum prices for milk sold at wholesale and at retail is also in contrast to the federal marketing agreements, which provide minimum producer prices only.

of the California Agricultural Code. The legislation recognizes the need of the people for a continuous supply of market milk, and provides that producers be assured of minimum prices with due allowance for costs of production. In order that prices be kept in accord with changing conditions and costs, provision is made for price adjustments.

Price adjustments have usually been made through the medium of public hearings, conducted by the Bureau of Milk Control after due notification to interested parties. The hearings method has not been found satisfactory on several counts. During periods of rapidly changing conditions, such as the recent war years, the hearings method tends to be cumbersome and slow in bringing about price changes. A method has been sought which reacts more quickly to changing conditions. Formula pricing seems to meet these needs. A recent study of formula pricing provides information based on the experience of several milk markets.¹ The following summary remarks are based on that study and are included here to furnish a background for consideration of the pricing problem in California.

Under formula pricing the price of fluid milk is usually determined by movements of other prices, such as the prices of manufactured dairy products, general prices, or consumer buying power. Formula pricing has come into use in a number of major cities and several smaller markets. As of April 1, 1948, some of the large cities using formula pricing were New York, Chicago, Philadelphia, Boston, Cleveland, St. Louis, Cincinnati, and Kansas City. The expectation that price rises would follow removal of Office of Price Administration price ceilings led all the markets operating under federal marketing agreements to adopt formula pricing by 1946 as a means of moderating price pressures.

The formulas used in the different markets vary in type. Most, however, relate the price of Class I milk to the prices paid for milk used in manufacturing purposes. An exception to this is the formula for the Boston-Lowell-Lawrence-Fall River markets. Usually the plan includes several formulas, with the provision that the one yielding the highest price will be put into effect.

Experience with pricing formulas has not been uniformly satisfactory. Best results have been achieved in areas where a substantial quantity of milk for manufacturing purposes is produced. There the problem has narrowed itself to that of establishing the proper differential over the price paid for manufacturing milk. The differential consists mainly of the greater cost involved for transporting fluid milk and the cost involved in maintaining quality standards and evenness of supply. The Chicago market is typical of those where formula pricing has met with success.² In the markets of northeastern states, where the competition between fluid milk and manufacturing milk is less direct, formula pricing has been less satisfactory. There is resistance to the fluctuations in producer prices caused by changes in the manufacturing milk prices. There appears to be validity in this criticism, particularly in markets where supplies cannot shift easily from fluid to manufacturing outlets. Criticism of formulas which provide for close interaction of the prices of

¹ U. S. Farm Credit Administration, *Formula Pricing of Milk for Fluid Use*; by Edmond S. Harris and Irwin R. Hedges (Misc. Report 127, 1948).

² For a description of Chicago's experience see U. S. Farm Credit Administration, *Formula Pricing of Milk for Fluid Use* (1948) p. 12-14.

fluid milk and manufacturing milk has resulted in the adoption of the "Boston" formula, a new type of formula which divorces fluid milk prices from manufacturing milk prices. Other cities are showing interest in this change, and studies are under way in New York, Philadelphia, and several Ohio markets.¹

Even in markets where formula pricing has been generally successful it has been necessary to change the formulas from time to time. Formulas which related fluid milk prices to the price of only one manufactured dairy product have usually had to be changed to include alternative products. The differential between fluid milk and manufacturing milk prices has had to be reviewed and changed to accord with changes in the general price level and, in some markets, to introduce more seasonality into the pricing of fluid milk.

In March, 1948, the California Bureau of Milk Control dropped the hearings method of adjusting prices and substituted an automatic formula. The California formula provided for adjusting the price of Class I and Class II milk to changes in the price of manufacturing milk, with allowance for change in the cost of the basic dairy ration. Abnormal conditions in the California market in the spring of 1948 made the continued operation of the automatic formula seem unwise, and the formula was suspended by common agreement of the bureau and the industry in July, 1948. The bureau subsequently resumed the hearings method of making price adjustments.

Interest in an automatic formula as an improved method of adjusting the price of milk has continued, however, and subsequent reflection and study indicate that it should be possible to devise a formula which will be suitable for California. The problem has been studied by the College of Agriculture of the University of California. Analysis of California's milk pricing problem and the various formulas proposed for California has been made by R. G. Bressler, Jr., Associate Professor of Agricultural Economics of the College of Agriculture.² His analysis indicates that no automatic formula can be completely relied upon during periods of abnormal conditions, such as the spring of 1948 in California. With the exception of the Boston formula, which is unsuitable to California, any of several proposed formulas, including the one in use in California during March-July 1948, would have been useful during recent years. However, modification of the formulas would have been advisable during the postwar fluctuations in conditions.

A formula for California should be related to the price of manufacturing milk, since any material change in the manufacturing milk price will have important effects on the fluid milk market. The assurance of a continuous supply of fluid milk for California's population is a basic aim of California's milk control legislation, and this supply would be threatened by allowing the differential between fluid and manufacturing milk prices to narrow unduly or to remain uncontrolled.

Selected Reading List

California. Department of Agriculture, *Twenty Eighth Annual Report Period Ending December 31, 1947*. 397p Sacramento, December 1947.

¹ See U.S. Farm Credit Administration, *Formula Pricing of Milk for Fluid Use* (1948) for other criticisms of formulas (pages 18-20) and for limitations of formula pricing (pages 20-23). For description of Boston's experience, see pages 15-18.

² California. University. College of Agriculture, *The Use of Automatic Formulas in Pricing Market Milk*; by R. G. Bressler, Jr. (1948). This document appears as the appendix to this report.

- California, Department of Agriculture, "Automatic Pricing Formula for Fluid Milk Which, If Adopted, Will Price Milk that Distributors Purchase from Producers on a Hundredweight Basis." 1p (proc.) Sacramento, 1948.
- California, Department of Agriculture, Bureau of Milk Control, "Historical Table Showing Prices of Fluid and Manufacturing Milk, Price Differentials, and the Cost of the Basic Dairy Ration, 1930-1946." 9p (mimeo.) Sacramento, 1947.
- Tinley, J. M., "California Milk Control Legislation, *Journal of Marketing* 3: 175-7, October 1938.
- Tinley, J. M., "Ten Years Operation Under the Milk Act" (a paper given at the annual meeting of the Dairy Institute of California on Nov. 12, 1947, Long Beach, Calif.) 8p (mimeo.).

Glossary of Terms¹

- Market milk.** Sections 451, 460. Milk which is supplied to the consumer in the natural fluid state; has not more than prescribed bacterial content; maintained at prescribed temperature until delivery; when delivered to the consumer must contain not less than 3.5 percent of milk fat and 8.15 percent of solids-not-fat.
- Grade A raw milk.** Market milk which conforms to requirements of Section 460.
- Grade A pasteurized milk.** Market milk which conforms to the requirements of Section 470.
- Fluid milk.** Section 735.3. See "Market milk" above. Fluid milk is classified for marketing purposes as follows:
 Class I. Whole milk.
 Class II. Cream.
 Class III. Any form of milk or cream not included in Classes I, II, or IV.
 Class IV. Any milk or cream used by distributors in the manufacture of butter and cheese other than cottage cheese.
- Manufacturing milk.** Section 452. Milk which does not conform to the requirements of market milk. It must meet certain requirements as to foreign substances, odors, and bacterial content.
- Basic dairy ration.** Cost of a typical ration for a dairy cow which will produce a pound of milk fat as defined by the California Crop and Livestock Reporting Service.

The Use of Automatic Formulas in Pricing Market Milk²

Automatic Formulas

The term "automatic formula" when used in milk pricing denotes a (more or less fixed) basis by which current price and or cost information can be combined into an estimate of the value of milk, such values then being used to determine "automatically" changes in the prices paid farmers for milk. Such formulas have been used for many years, although most commonly to price "surplus" market milk rather than for fluid milk prices.³ Examples are the use of prices paid by condenseries to establish Classes III and IV milk prices in California, the use of a formula based on the Boston wholesale cream price to establish surplus milk prices in New England, and the use of a combination of butter and nonfat powder prices to determine surplus prices in New York. Formulas may be simple or complex, but ordinarily follow the pattern of using product prices to determine "gross" values (weighting prices in accord with typical yields of product), deducting appropriate handling and processing costs or allowances, and so estimating the "net" value of the farmers' milk.

Interest in the use of automatic formulas to price fluid or Class I milk has been stimulated in the past two years by two main factors: (1) the dynamic situation with respect to prices in general and dairy prices

¹ Section references are to the Agricultural Code of California (1947).

² Summary of informal remarks made at a meeting of Farm Bureau Dairy Department at San Luis Obispo, August 20, 1948, and at a meeting of California Dairy Council at Riverside, November 18, 1948, by R. G. Bressler, Jr., Associate Professor of Agricultural Economics, College of Agriculture, University of California.

³ See "Formula Pricing of Milk for Fluid Use," by E. S. Harris and I. R. Hedges, Farm Credit Administration, Cooperative Research and Service Division. Misc. Report 127, December 1948.

in particular, which stressed the need for a pricing mechanism that would be more sensitive than the conventional system of hearings and subsequent findings of fact; and (2) the outlook for significant decreases in manufactured dairy product prices. This interest was crystallized in the report of the Boston Price Committee and the consequent adoption of an automatic formula for pricing Class I milk in the Boston market. This report has had a widespread influence on the industry throughout the Country, and many markets have been proposing or experimenting with similar price formulas.

The novel aspect of the Boston formula was that it divorced itself from any direct dependence on the prices of dairy products. In brief, the formula utilizes an index number series based on department store sales, general levels of wholesale prices, dairy feed costs, and farm wages. This index is the "mover" in the formula—as the index changes, Class I prices are automatically changed.

In spite of the popular appeal of this formula and its apparent successful operation for some months, it should be pointed out that there is nothing "sacred" either in its general composition or in its specific provisions. In fact, if the Boston formula were to be applied directly to New York City or to California markets, the results would not be acceptable; primarily because of the effect on the index of department store sales of differences in population growth during recent periods in these areas. The fact is that any of a large number of "movers" could be used (including the prices of manufactured dairy products) and that formulas based on a variety of systems could be devised that would give fairly comparable results over a period of years. Automatic formulas do not determine once and for all the "correct" price of milk—they merely provide an arbitrary basis for changing prices without the constant need for price hearings. A formula is successful as long as it "works all right." If it works all right it is "good"—if not then it is "bad." Good and bad may have somewhat different connotations for producers, dealers, and consumers, but in the long run they probably reduce to some definition in terms of supplying the market at adequate prices to producers and reasonable costs to consumers.

As long as a formula meets the above general conditions, it may be useful in milk pricing. With any automatic formula, however, it is possible and even probable that changed conditions will require modifications in the formula. In short, the formula does not eliminate the human element or the milk price hearing, but remains dependent on careful and continuing study by the industry and by governmental price control agencies. The formula should reduce the frequency of hearings, but pricing milk over a period of years will still be an "art" dependent on the skill and knowledge of control agencies and the cooperation of all phases of the industry. These limitations are realized by the sponsors of the Boston formula. In fact, the Boston pricing mechanism includes in addition to the formula a "supply-demand" factor designed to increase or decrease the formula prices if the amount of surplus milk in the market pool becomes unusually small or large. Moreover, all milk is pooled for the entire market, so it is comparatively easy for new producers to enter the market if the Boston price becomes too high relative to competing markets and uses for milk.

Formulas for California

California producers have had an active interest in the Boston formula and in the use of formula methods for California markets. In March, 1948, the Bureau of Milk Control adopted a Class I-II price formula based primarily on the prices paid for manufacturing milk in the San Joaquin Valley, with modifications for changes in the cost of the basic dairy ration. This does not mean that the Class I-II price was set equal to the manufacturing price—in March, for example, the Class I-II price for the lower San Joaquin Valley was set at \$5.05 per hundredweight of 3.8 percent butterfat milk as compared to an average condensery price for such milk of about \$4.14 per hundredweight. Changes in the condensery price, however, were to be used to move the Class I-II price up or down.¹

In general, such a formula would have worked quite well throughout the period starting in 1937 or even in 1930. Conditions this spring were highly abnormal, however, and illustrate the difficulties that may confront any type of formula. When the formula was adopted, the State was in the throes of drought conditions that threatened the entire livestock industry. Moreover, the outlook was for reduced levels of manufactured dairy product prices—both because of the normal seasonal increases in production and decreases in prices and because of an unfavorable outlook for the export of such products as evaporated milk and milk powder to Europe. Within two months the drought conditions were relieved and feed prices dropped sharply while the manufactured milk market moved sharply upward in a pronounced contra-seasonal increase. The net effect under the new formula would have been an increase in milk prices. Because this was counter to customary conditions and seemed unjustified by local market conditions, the industry and the bureau agreed to suspend the formula.

It is interesting to consider subsequent developments.² Manufactured product prices broke off in midsummer, although condensery prices continued upward into August. By that time the condensery price for 3.8 percent butterfat milk had risen to \$4.56 per hundredweight and was putting some pressure on the Grade A market. Grade A producers in the lower valley were receiving lower than normal premiums over Grade B prices, and some instances were reported where the returns to Grade A producers were no higher than in the Grade B market. It is certainly true that a continuation of the upward trend in condensery paying prices would have seriously threatened the Grade A supply and have required an increase in Class I-II prices more or less in line with the original formula. Condensery prices broke in August, however, and by the end of the year averaged about \$3.60 per hundredweight. Under these conditions the pressure is to shift from Grade B to Grade A production, and a continuation of such a price spread may serve to encourage a number of Grade B producers to qualify for the Grade A market. If the California formula had been continued in effect, Class I-II prices would have

¹ The formula used appears to have been approximately: $P_1 = \$0.39 + 3.8P_2 + 0.64P_3$ where P_1 represents the Class I-II price for lower valley points, P_2 the price per pound of butterfat for manufacturing grade milk, and P_3 the cost of the basic dairy ration. The results were rounded to the nearest even cents per quart, and finally increased by various amounts to represent cost of transport from valley points to the major markets.

² This paragraph and some of the material that follows has been added since the summer and fall meetings.

increased about 46 cents per hundredweight in the late spring, held that level until October or November, and then dropped 92 cents per hundredweight by the end of the year.

The interest of California dairy farmers in formulas of the Boston type is well illustrated by the discussions of the Dairy Department of the California Farm Bureau. At their meetings in San Luis Obispo in August, material prepared by Dr. Howard Stover was presented to illustrate the application of several formulas to California conditions. The attached table and chart presents one of Dr. Stover's formulas—a modification of the Boston formula that would base prices on an index made up of the cost of the basic dairy ration, farm wages, and department store sales deflated for population changes. This particular formula seems better suited to California conditions than the direct application of the original Boston formula. In any event, it is clear that this and the other formulas discussed by Dr. Stover would have changed Class I and II prices in much the same pattern that actual prices followed. The general conclusion is that it should be possible to devise some type of formula that would be useful in establishing milk prices in California markets.

**Comparison of Actual Market and Manufacturing Milk Prices
With Estimated Prices Based on Various Formulas**

Year	Market milk price—San Francisco ¹	Manufacturing milk price ²	"Boston formula" ³	Farm Bureau formula "C" ⁴	Straight manufacturing formula ⁵	California automatic formula (smoothed) ⁶
<i>Dollars per pound of milkfat</i>						
1935-----	\$0 62	\$0 40	\$0 57	\$0 55	\$0 59	\$0 62
1936-----	0 67	0 48	0 62	0 62	0 69	0 71
1937-----	0 73	0 48	0 67	0 69	0 70	0 72
1938-----	0 74	0 38	0 60	0 59	0 55	0 60
1939-----	0 66	0 38	0 62	0 62	0 55	0 60
1940-----	0 67	0 44	0 63	0 63	0 63	0 65
1941-----	0 74	0 53	0 75	0 74	0 78	0 77
1942-----	0 89	0 68	0 91	0 90	0 99	0 93
1943-----	1 01	0 83	1 07	1 08	1 21	1 10
1944-----	1 13	1 02	1 14	1 15	1 49	1 29
1945-----	1 15	1 03	1 15	1 13	1 49	1 29
1946-----	1 23	1 11	1 44	1 38	1 61	1 40
1947-----	1 28	0 98	1 55	1 40	1 43	1 27
1948-----	1 38	1 10	1 75	1 61	1 60	1 41

¹ Price paid for fluid milk f.o.b. plants in San Francisco.

² Price paid for manufacturing milk f.o.b. valley plants.

³ Computed from indices of U. S. Wholesale Prices, California Department Store Sales, and composite of feed-labor. Feed-labor index composed of 60 percent weight of cost of basic dairy ration, 40 percent weight of wages paid California farm labor per month without board. 1935-39 = 100. Base period average price equals 61.6 cents per pound fat.

⁴ Computed from indices of composite feed-labor (as computed above) and California Department Store Sales, deflated for changes in population. 1935-39 = 100. Base period average price equals 61.6 cents per pound fat.

⁵ Computed from index of manufacturing milk prices. 1935-39 = 100. Base period average price equals 61.6 cents per pound fat.

⁶ Computed from automatic formula in effect in California March 1-July 1, 1948. Calculations have been "smoothed" from tables prepared by Bureau of Milk Control by using: $P_1 = \$0.66 + 3.8P_2 + 0.64P_3$; where P_1 represents the San Francisco Class I price, P_2 the price per pound of fat for manufacturing milk, and P_3 the cost of the basic dairy ration as reported by the California Crop and Livestock Reporting Service.

In addition to Dr. Stover's "Type C" formula, the table and diagram summarizes the prices that would have been indicated by several other formulas if they had been in effect and unchanged throughout the period since 1935. These include: (1) prices based on the original Boston formula; (2) prices based only on an index of prices paid for manufacturing milk; and (3) prices that would have resulted from the manufacturing milk basic dairy ration formula adopted and abandoned early in 1948. In addition, the changes in manufacturing milk prices are also indicated. It will be noted that all of these formulas would have yielded remarkably similar prices in the period from 1935 until the advent of war and the OPA. Discrepancies that developed in the period from early 1943 until the middle of 1946 are of little significance, since they reflect differences in the levels at which OPA maximum prices were established and not a free play of the market. The results since 1946 have not been so comparable. Actual prices (using San Francisco as an example) averaged about \$1.38 per pound of fat or \$5.24 per hundredweight of 3.8 percent milk during 1948. The California formula of early 1948 would have averaged \$1.41 per pound fat. The Farm Bureau Type C formula would have averaged \$1.61 while the direct ratio to manufactured products would have averaged \$1.60 per pound fat. The Boston formula, which is not well adapted to California conditions, would have resulted in an average price of \$1.75 per pound fat or \$6.65 per hundredweight.

NOTE—The diagram referred to above will appear in the Corrected Journal.

A large part of the discrepancies in these results stems from the fact that they are all derived from index numbers that use 1935-1939 conditions as a base. It would be a mistake to condemn (or approve) any of these in present form, for actual application would have necessarily involved modifications from time to time. Very few people would seriously contend that the continued application of the Boston formula from 1935 to 1948 would have been desirable, for example, and any actual use of this formula in California would no doubt have involved downward revisions in the postwar years. In a similar way, a direct ratio to manufactured milk prices has obvious limitations—actual application would probably involve modifications that would prevent the greatly enlarged postwar differential between Class I and manufacturing prices. As for the actual formula that was set up by the Milk Control Bureau, it is significant to note that the indicated changes fit actual changes as well as or better than the results of the other formulas, and that postwar levels seem to be more defensible in the light of local conditions.

The Importance of Manufacturing Milk Prices

The foregoing comparisons have served to illustrate that any of a number of different formulas could have been used to establish milk prices in California, and that formulas involving the prices of Grade B milk would have been as good as or perhaps better than formulas based on other factors. Such comparisons are very mechanical, however, and really throw little light on the problem of pricing milk. At best they merely indicate that there are a number of factors that move more or less in agreement with the milk prices that have been established in local markets in the past, and so lead to the presumption that some such device

might be useful in giving a measure of sensitivity and (limited) automatic response to milk pricing procedures. The divergence of the results in the postwar period should serve as ample warning that no formula could be fully automatic, but this should not be interpreted to mean that formulas have no place in pricing Grade A milk.

The real story of appropriate milk prices for California is much too complex and obscure to be incorporated in a perfect formula. And manufacturing milk plays an important role. It is true that Grade A production and consumption increased very rapidly during the war years, that population is still growing rapidly, and that a larger and larger proportion of total milk production is required for the Grade A market. It is also true that the market for manufactured dairy products is a national or even international market, and that changes in this national market may differ materially from local conditions. Nevertheless, manufacturing milk and Grade B prices are of strategic importance here, at least in the sense that any pronounced change in the relation between Grade A and Grade B prices will have important effects on the Grade A market if maintained for any length of time.

The focus of the California milk price problem is the San Joaquin Valley. In this area we have a great reservoir of milk production—the largest concentration of “surplus” Grade A production and the largest concentration of Grade B production. Grade A production is greatly in excess of the requirements of local markets in the valley, and so is available for shipment to other areas. And a considerable part of this production in excess of local requirements is needed by the major markets of the State. Los Angeles County is the greatest milk producing county in the Country, yet local consumption of Grade A milk and cream exceeds local production by something like a million pounds of butterfat per month. The Bay area must reach out into neighboring districts for two million pounds of milk fat per month. Sacramento is in a deficit producing area and must secure most of its supplies from beyond the immediate vicinity. All of these markets (and others as well) depend on the San Joaquin Valley for regular milk and cream supplies. Moreover, the structure of prices in the several markets reflects the need to reach out into the surplus areas and compete for supplies. Los Angeles prices are high because the market must reach into Kern and Tulare Counties, pay for transportation and handling charges, and bid the milk away from other alternative markets and uses. In a like manner, the price in San Francisco must be high enough to cover costs of transportation from the north bay counties and from the upper sections of the San Joaquin.

This competition sets up a chain of reactions. The major markets compete with surrounding smaller markets. The smaller markets and the major markets compete with markets in the surplus producing regions—the San Joaquin Valley. Valley markets compete with other local uses—the prices paid in the valley for Grade A milk must be high enough to attract producers from the Grade B markets and from other farm activities. So there is an unavoidable tie between Grade A and B prices, as well as between milk prices and the profitability of other farm and nonfarm enterprises. As mentioned earlier in this paper, Grade A prices must be high enough to insure an adequate supply. In most direct terms, this means that prices must be high enough to attract producers from Grade B (and other activities)—high enough to induce these producers to incur the heavy expenses and capital outlays involved in

equipping and operating a Grade A farm. On the other hand, Grade A prices must not be so high as to result in an unwanted and unneeded increase in Grade A production.

The pricing of Grade A milk is thus intimately related to the prices for dairy products and the prices paid producers by manufacturing dairy plants. At a very minimum, the Grade B market provides limits within which Grade A prices must fall. This situation has been changed by the growth of population and fluid milk and cream consumption, but the changes have been primarily in terms of increases in prices to enable markets to reach farther afield for supplies and to bid these supplies away from other alternative uses. The Grade B price is not the only factor to be considered, but any system that attempted to divorce Grade A and Grade B prices completely would most certainly prove to be unworkable over a period of time.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1253

Senator Keating moved that Senate Bill No. 1253 be withdrawn from Committee on Agriculture for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1253—An act to amend Section 701 of the Agricultural Code, relating to containers for milk or milk products.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendment:

Amendment No. 1

On line 3 of the printed bill, after "701," add the following:

"(a) Every restaurant, school, hospital, soda fountain or other place where food or drink is served to the public, which sells milk, cream, ice cream, ice milk, buttermilk or any combination thereof for consumption on the premises, upon emptying the containers thereof, which are to be returned to the milk distributor or manufacturer, shall cause such containers to be free of foreign substances.

(b) All containers of milk, cream or products thereof which are delivered to the consumer by any retailer or distributor and which are to be returned to such retailer or distributor shall be free of foreign substances before they are returned.

(c)".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 186

Senator Dillinger moved that Senate Bill No. 186 be withdrawn from Committee on Labor for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 186—An act to add Chapter 8.5, comprising Sections 1141 and 1146, inclusive, to Part 3 of Division 2 of the Labor Code, relating to voluntary mediation and publication of facts concerning labor disputes.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments :

Amendment No. 1

On page 1, line 16, of the printed bill, strike out the words and figures "seventy-five dollars (\$75)", and insert in lieu thereof "fifty dollars, (\$50)".

Amendment No. 2

On page 1, line 22, of said bill, strike out the words "or on his own motion".

Amendment No. 3

On page 2, line 11, of said bill, after the comma, strike out the rest of line 11, all of lines 12, 13, and 14 and line 15 to and including the period, and insert "provided that as to a labor organization, such acceptance or rejection shall be in the same manner as that in which they ordinarily call or settle strikes."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

RESOLUTIONS

The following resolution was offered :

By Senators O'Gara, Keating and Regan :

Senate Resolution No. 75

Relating to the University of San Francisco Dons basketball champions

WHEREAS, The National Invitational Basketball Tournament was held in Madison Square Garden in New York City, drawing to a close on March 19, 1949; and

WHEREAS, The leading contenders in the United States for top collegiate basketball honors were extended invitations to participate in this climax of all college basketball competition; and

WHEREAS, Almost as an afterthought, the redoubtable athletes of the University of San Francisco were tendered an invitation to try their mettle with the highly touted teams already selected for the competition; and

WHEREAS, The Dons took their position as 20 to 1 underdogs, but when the smoke of battle had cleared the Dons emerged triumphant upon defeating Loyola University of Chicago by the narrow but significant margin of 48 to 47, vindicating the hopes and honor of the inhabitants of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, That this Senate extends its heartiest congratulations to the Don basketball team, to Reverend William Dunne, S.J., President of the University of San Francisco, and to Coach Pete Newell for this glorious exhibition and stupendous triumph recorded in the field of basketball; and be it further

Resolved, That the Secretary of the Senate is requested to send suitably prepared copies of this resolution to Reverend William Dunne, S.J., Coach Pete Newell, and to each member of the basketball team of the University of San Francisco Dons.

Resolution read, and on motion of Senator O'Gara, unanimously adopted.

REPORTS OF STANDING COMMITTEES**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, March 21, 1949

MR. PRESIDENT : The Committee on Military and Veterans Affairs, to which was referred :

Senate Bill No. 1496

Has had the same under consideration, and reports the same back with the recommendation : Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4

SUTTON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 21, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 736

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

SUTTON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 21, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 1495

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

SUTTON, Chairman

Above reported bill ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Senator Desmond:

Senate Resolution No. 76

Relative to adjournment in respect to the memory of Dewey S. Baker

WHEREAS, The death of Dewey S. Baker on March 16, 1949, in Sacramento, California, brought to an early end a life which had been devoted to the public service; and

WHEREAS, Dewey S. Baker, a native of Puyallup, Washington, had been a resident of Sacramento for more than forty years, engaging successfully in many business enterprises, and actively serving the people of Sacramento through his membership on the City Council from 1929 to 1932, and thereafter as undersheriff of Sacramento County, and as manager of the Sacramento Memorial Auditorium and the city-owned summer recreation resort, Camp Sacramento in the Sierra; and

WHEREAS, Dewey S. Baker enjoyed membership in many civic and fraternal associations, including Aerie No. 9, Fraternal Order of Eagles, and was a past commander of Post 61 of the American Legion which he had also served for many years as leader of the post band; now, therefore, be it

Resolved by the Senate of the State of California, That the Members of this Senate express their regret and sorrow upon learning of the death of Dewey S. Baker, and the loss to his community and to this State of his fine and capable service; and be it further

Resolved, That the Secretary of the Senate transmit suitable copies of this resolution to the widow of Dewey S. Baker, Mrs. Bertha Baker, and to his son, Dewey S. Baker, Jr., and to his daughter, Dorothy Baker Forbes; and be it further

Resolved, That when this Senate this day adjourns it do so out of respect to the memory of Dewey S. Baker.

Resolution read, and adopted by a rising vote of the following Senators:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator H. R. Judah:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 21, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 810, 828.35 and 829.25 of the Agricultural Code, relating to artichokes.

Respectfully submitted,

SENATOR H. R. JUDAH

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 21, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Agriculture.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillingham, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1611: By Senator Judah—An act to amend Sections 810, 828.35, and 829.25 of the Agricultural Code, relating to artichokes.

Referred to Committee on Agriculture.

Senate Joint Resolution No. 24: By Senator Brown—Relative to memorializing the President of the United States, the Vice President of the United States and the Third Assistant Postmaster General at Washington, D. C. in relation to issuing special stamp commemorating heroism and self-sacrifice of Manly and Jayhawker parties.

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 352—An act to amend Section 13 of, and to add Section 13.2 to, the Construction and Employment Act, relating to projects for which the county allocation thereunder is available, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 431—An act to amend Section 13196 of the Government Code, relating to use of water of the Napa State Farm.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 471—An act to amend Section 28135 of the Government Code, relating to compensation for public service in counties of the thirty-fifth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 654—An act to amend and renumber Section 6210.3 of the Public Resources Code, added to said code by an act entitled "An act to add Sections 6210.3, 6210.4, and 6220 to the Public Resources Code, relating to reservations of easements for convenient access, in sale, lease or rental of state-owned lands, and to acceptance of quitclaim deeds by the State Land Commission," approved May 20, 1943, and to amend and renumber Sections 6210.4 and 6210.5 of the Public Resources Code, relating to public lands.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 661—An act to amend Section 7406 of the Public Resources Code, relating to public land selections.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 663—An act to amend Section 7729 of the Public Resources Code, relative to the issuance of patents for state lands.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 664—An act to amend Section 7705 of the Public Resources Code, relating to state lands open and closed to purchase.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 665—An act to amend Section 7706 of the Public Resources Code, relating to applications for the purchase of state lands.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 741—An act to amend Section 3 of an act entitled "An act to release the Regents of the University of California from all obligations assumed by said the Regents of the University of California pursuant to the provisions of Sections 1, 2, and 3 of an act entitled, 'An act appropriating five hundred twenty-five thousand dollars (\$525,000) to be used and expended by the Regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said the regents shall deliver to the Chairman of the Department of Finance an obligation binding said the regents (a) to set aside for sale certain real property in Los Angeles owned by said the regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale, provided, that said the regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said the regents with approval of the Department of Finance shall fix; (d) to pay over to the State Treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State Treasury by said the regents, the Chairman of the

Department of Finance shall deliver to said the regents a written acknowledgment that all requirements of said the regents' obligation have been performed and further providing that said the regents shall thereupon be discharged of every duty and requirement in the premises, declaring the urgency thereof and providing that this act shall take effect immediately," approved May 31, 1929, assenting to the conveyance to the State of California by the Regents of the University of California of certain real property in the City of Los Angeles, providing for the transfer to the State of California of leases and contracts of sale affecting said real property, and providing for the sale of such property by the State," approved April 21, 1943, relating to interests in real property owned by the Regents of the University of California.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1343—An act to amend Section 10332 of the Government Code, relating to the California Code Commission.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 655—An act providing for the sale of certain state lands, giving the owner of proximate land a preferential right to purchase same.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 656—An act to amend Section 6303 of the Public Resources Code, relating to state lands, granting privileges with respect thereto.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 657—An act to repeal an act entitled "An act withdrawing certain state land from sale or lease and setting the same aside for the use and benefit of Indians," approved May 30, 1923.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 659—An act to amend Section 7410 of the Public Resources Code, relating to state lands, removing acreage limitations on purchases thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 660—An act to amend Section 7704 of the Public Resources Code, relating to unapproved applications for purchase of state lands.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 251—An act to amend Sections 16505 and 16581, and to repeal Section 16524 of, the Government Code, relating to deposits of state money in banks.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On the first line of the title of the printed bill, strike out "and 16581", and insert "16551, 16552, 16553, 16554, and 16581".

Amendment No. 2

On page 1 of said bill, following line 9, insert

"SEC. 2. Section 16551 of said code is amended to read as follows:

16551. With the consent of the bank owing securities deposited or to be deposited with him as security, the Treasurer may:

(a) Authorize any qualified trust company other than the depositor bank or the *Federal Reserve Bank of San Francisco or any branch thereof in this State* to receive as his agent deposits of any securities approved under this chapter.

(b) Place and maintain for safekeeping as a trust deposit with any qualified trust company other than the depositor bank or with the *Federal Reserve Bank of San Francisco or any branch thereof in this State* any securities that have been received by him under this chapter.

SEC. 3. Section 16552 of said code is amended to read as follows:

16552. The Treasurer shall take from the qualified trust company or from the *Federal Reserve Bank of San Francisco or a branch thereof* a receipt for any securities received by it under this article. Neither the Treasurer nor the State is responsible for the custody and safe return of such securities until they are withdrawn from the qualified trust company or from the *Federal Reserve Bank of San Francisco or a branch thereof* by the Treasurer.

SEC. 4. Section 16553 of said code is amended to read as follows:

16553. Any qualified trust company or the *Federal Reserve Bank of San Francisco or any branch thereof in this State* to which securities are delivered, either as agent or depository for the Treasury, shall make such disposition of the securities as the Treasurer directs and is responsible only for strict compliance with written instructions given to it by the Treasurer. All such securities are at all times subject to the order of the Treasurer.

SEC. 5. Section 16554 of said code is amended to read as follows:

16554. The charges of any qualified trust company or of the *Federal Reserve Bank of San Francisco or a branch thereof* for the handling and safekeeping of such securities are not a charge against the Treasurer but shall be paid by the owner."

Amendment No. 3

On page 1, line 10, of said bill, strike out "2", and insert "6".

Amendment No. 4

On page 1, line 25, of said bill, strike out "3", and insert "7".

Amendment No. 5

In line 3 of the title of said bill, after "banks", insert ", declaring the urgency of this act, to take effect immediately."

Amendment No. 6

On page 1 of said bill, after line 25, insert

"SEC. 8. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

At the present time many banks are willing to apply for inactive or interest bearing deposits in excess of their capital stock, but under the provisions of the act cited in the title hereof, the State Treasurer may not deposit inactive state funds in banks in excess of the paid in capital, exclusive of surplus of any depository bank. Many banks throughout the State already have inactive deposits of state funds up to the amount of their capital, and as a consequence large sums of state money which should be deposited as inactive or interest bearing deposits must be deposited as active or noninterest bearing deposits. To adequately provide for the deposit of state funds as interest bearing deposits and in order that large sums of state money may be deposited as interest bearing deposits it is necessary that this act take effect immediately."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 273—An act to amend Section 28114 of the Government Code, relating to compensation of county officers.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out lines 6 to 9, inclusive, and insert

"(a) The auditor, six thousand six hundred dollars (\$6,600) a year.

(b) The district attorney, seven thousand eight hundred dollars (\$7,800)".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 658—An act to authorize and validate sales of state land made by the State Lands Commission during the calendar year 1948.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 5, inclusive, and insert "ratified and confirmed and declared legally effective."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 666—An act to amend Section 6323 of the Public Resources Code, relating to the administration and control of swamp, overflowed, tide or submerged lands and structures thereon.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, after "of" insert ", and to add Section 6307 to,".

Amendment No. 2

On page 1 of said bill, after line 13, insert

"Sec. 2. Section 6307 is added to said code, to read:

6307. Whenever it appears to the commission to be in the best interests of the State, for the improvement of navigation, aid in reclamation, or for flood control protection, on navigable rivers, sloughs, streams, lakes, bays, estuaries, inlets, or straits, the commission may exchange lands of equal area or equal value, whether filled or unfilled with any state agency, political subdivision, person, or the United States or any agency thereof. Any land so acquired shall have the same status as to administration, control and disposition as the lands for which it was exchanged."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 280—An act to add Article 5 to Chapter 2, Division 4, Title 1 of the Government Code, relating to public employees' loyalty oaths.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out lines 5 to 24, inclusive.

Amendment No. 2

On page 2 of said bill, strike out all of line 9 after the word "not", and all of lines 10, 11, and 12, and insert "affiliated, secretly or openly, with the Communist Party or with any organization which advocates Communism or has as its objective or one of its objectives the overthrow of the Government of the United States, or of this State, by force and violence or any other unlawful means."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 515—An act to add Section 1106 to the Labor Code, relating to the hiring and discharging of Communists or subversive employees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, at line 13, after the word "employee", strike out all of the following paragraph together with lines 25 and 26, and insert in lieu thereof "who is affiliated, secretly or openly, with the Communist Party or with any organization which advocates Communism or has as its objective or one of its objectives the overthrow of the Government of the United States or of this State by force and violence or any other unlawful means."

Amendment No. 2

On page 2 of said bill, strike out all of lines 1 to 6, inclusive.

Amendment No. 3

On page 2 of said bill, strike out all of lines 19 to 36, inclusive.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 850—An act to add Chapter 1.6 to Division 3 of the Education Code, providing for school district public works, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1 of the printed bill, following line 26, insert "(e) 'Apportionment' means an apportionment made under this chapter unless the context otherwise requires."

Amendment No. 2

On page 2, line 21, of said bill, strike out "appropriations made for the", and on line 22, strike out "purposes of this chapter", and insert "the Public School Building Fund".

Amendment No. 3

On page 2, line 23, of said bill, after "manner", strike out the comma.

Amendment No. 4

On page 2, line 30, of said bill, after "which", insert "purposes".

Amendment No. 5

On page 2, line 34, of said bill, after the second "and", insert "all".

Amendment No. 6

On page 2, line 39, of said bill, after "shall", insert ", in the name of the State,".

Amendment No. 7

On page 2, line 42, of said bill, strike out "from the State".

Amendment No. 8

On page 2, line 49, of said bill, strike out "for an appointment under this", and on line 50, strike out "chapter".

Amendment No. 9

On page 3, line 2, of said bill, after "ing", insert "or not eligible for".

Amendment No. 10

On page 3, line 5, of said bill, strike out "as to the school district".

Amendment No. 11

On page 3 of said bill, strike out line 13, and insert "5049. No appointment shall be made".

Amendment No. 12

On page 3, line 16, of said bill, strike out "allocation", and insert "apportionment".

Amendment No. 13

On page 3, line 41, of said bill, strike out "State".

Amendment No. 14

On page 3 of said bill, strike out line 43, and insert "house adequately the approved enrollment and the normal".

Amendment No. 15

On page 3, line 46, of said bill, strike out "need for funds under this chapter", and insert "an apportionment".

Amendment No. 16

On page 3, line 47, of said bill, strike out "school", and insert "fiscal".

Amendment No. 17

On page 3, line 48, of said bill, strike out "school", and insert "fiscal".

Amendment No. 18

On page 3, line 49, of said bill, strike out "State".

Amendment No. 19

On page 4, line 2, of said bill, strike out "under this chapter".

Amendment No. 20

On page 4, line 7, of said bill, after "be", insert "called,".

Amendment No. 21

On page 4, line 17, of said bill, strike out "unless", and insert "if".

Amendment No. 22

On page 4, line 18, of said bill, after "is", insert "(1)".

Amendment No. 23

On page 4, line 19, of said bill, strike out "under this chapter".

Amendment No. 24

On page 4, line 21, of said bill, strike out "or", and insert "and (2) is an amount".

Amendment No. 25

On page 4, line 22, of said bill, after "years", insert "bearing the current going rate of interest as determined by the board and the principal of which is payable in 25 equal annual payments".

Amendment No. 26

On page 4, line 25, of said bill, after "district", insert "for the grade level as determined by the Director of Finance".

Amendment No. 27

On page 4, line 32, of said bill, after "percent", insert "per annum, to be compounded annually on the first day of September of each year".

Amendment No. 28

On page 4, line 35, of said bill, after "board", insert "of the district".

Amendment No. 29

On page 4, line 38, of said bill, after "district", insert "for the construction, reconstruction, repair, or alteration of, or addition to, school buildings".

Amendment No. 30

On page 4, line 41, of said bill, after "district", insert "in connection with which the district applied for an apportionment".

Amendment No. 31

On page 4 of said bill, strike out lines 43 to 51, inclusive, and on page 5, strike out lines 1 to 28, inclusive, and insert

"5053. Each district to which an apportionment has been made under this chapter shall repay the principal amount of such apportionment and the accrued interest thereon in the amount and in the manner hereinafter provided in this chapter.

5054. On or before the first day of September of each fiscal year, the State Controller shall compute for each grade level of a district for which an apportionment has been made during any preceding fiscal year the amount that would be produced by a tax of thirty cents (\$0.30) on each one hundred dollars (\$100) of assessed valuation within the district. Such amount is designated as the "first computation."

5055. On or before the first day of August of each fiscal year, the Director of Finance shall determine and certify to the State Controller (1) the amount equal to that portion of the bonded indebtedness of the district that was incurred for each such grade level prior to the making of the apportionment referred to in Section 5054, and (2) the amount raised by the district during the preceding fiscal year for the payment of principal and interest on said portion of said bonded indebtedness, which amount is designated as the "second computation."

5056. On or before the first day of September of each fiscal year, the State Controller shall compute for each such grade level the amount that was produced by the rate of tax levied under Section 7516 of this code, but not exceeding the first ten cents (\$0.10) thereof, that was required to pay during the preceding fiscal year the principal and interest on such portion of the bonded indebtedness of the district as the Director of Finance determines to have been incurred for such grade level. The amount so determined is designated as the "third computation."

5057. On or before the first day of September of each fiscal year, the State Controller shall subtract from the first computation with respect to each grade level of each district for which an apportionment has been made during any preceding fiscal year the amount, if any, by which the second computation exceeds the third computation. The sum of the differences so computed for all grade levels within each district is herein designated as the "annual repayment" of such district.

5058. The State Controller shall, during the next fiscal year following that in which he determines the annual repayment as herein provided, deduct the total amount of the annual repayment of each district in equal amounts from each installment of the apportionments made to such district from the State School Fund under Chapter 15 of this division; and, on order of the State Controller, the amount so deducted shall be transferred to the Public School Building Fund.

5059. The State Controller shall make the deduction provided by Section 5058 during each fiscal year, as herein provided, until the principal amount of the apportionment made to the district for such grade level, and all accrued interest due thereon, has been withheld; but no interest shall accrue or become due and payable to the State with respect to the principal amount of any such apportionment after the expiration of 25 years from the first day of September of the fiscal year in which the first deduction covering repayment of such apportionment is made. At the expiration of 30 years from the first day of September of the fiscal year in which the first deduction covering repayment of such apportionment is made, any unpaid balance of the principal amount of any such apportionment, including all interest included in such principal amount, shall be canceled on the books of the State Controller, and the State shall have no further right to the repayment of such unpaid balance.

5060. The State Controller shall certify to the board the cancellation of the unpaid balance of the principal amount of such apportionment; and upon receipt of such certification, the board shall, in the name of the State, convey to the district all sites purchased and improved, all furniture and equipment purchased, and all building constructed, reconstructed, repaired, altered, or added to, from moneys provided by the apportionment covered by such cancellation.

5061. The State Controller shall determine and maintain a record of the amount due the State in connection with each apportionment made to each grade level of a

district under the provisions of this chapter. He shall compute interest on the original amount of the apportionment at the rate fixed by the board, from the date of issuance of the State Controller's warrant covering the payment to the county treasurer of the original amount of the apportionment until the first day of September of the fiscal year next succeeding that in which the warrant was issued. Thereafter, interest shall accrue to and be compounded as a part of the principal amount due the State pursuant to such apportionment, on the first day of the following September of each year, until the principal and interest have been paid, or until the interest ceases to accrue, as provided in this chapter. No interest shall accrue on the principal amount of any apportionment because of the withholding of the annual repayment from apportionments made to school districts from the State School Fund on dates subsequent to the first day of September of the year in which the computation of the annual repayment is determined.

5062. Upon computing in any fiscal year the amount to be deducted from the apportionments to the district from the State School Fund during the succeeding fiscal year, the State Controller shall notify the governing board of the district of the amount to be deducted."

Amendment No. 32

On page 5 of said bill, strike out line 29, and insert "5063. The maximum tax rate fixed by Section 6357 or authorized by Section 6358 for any".

Amendment No. 33

On page 5 of said bill, strike out line 34, and insert "an amount equal to that to be deducted by the State Controller during the".

Amendment No. 34

On page 5, line 37, of said bill, strike out "5055", and insert "5064".

Amendment No. 35

On page 5, line 43, of said bill, strike out "5056," and insert "5065".

Amendment No. 36

On page 5, line 48, of said bill, after "4", insert "of Title 2".

Amendment No. 37

On page 5 of said bill, strike out lines 50 and 51, and on page 6, strike out lines 1 to 3, inclusive, and insert

"5066. A public school building fund is hereby created in the county treasury in each county for each school district in such county. The county treasurer of each county shall pay into the public school building fund of each school district, exactly as apportioned by the board, all moneys received by him under this chapter with respect to each such school district."

Amendment No. 38

On page 6, line 4, of said bill, strike out "5058", and insert "5067".

Amendment No. 39

On page 6, line 5, of said bill, strike out "under this chapter".

Amendment No. 40

On page 6, line 6, of said bill, strike out "State Aid", and insert "Public School".

Amendment No. 41

On page 6 of said bill, strike out lines 11 to 19, inclusive, and insert "5068. A revolving fund in the State Treasury is hereby created, to be known as the Public School Building Fund."

Amendment No. 42

On page 6 of said bill, between lines 19 and 20, insert

"5069. The governing board of each school district to which an apportionment has been made under this chapter shall expend the moneys in the public school building fund of the school district only for the purposes for which said moneys were apportioned to the district, and for no other purpose, and shall make such reports relating to the expenditure of such moneys as the board and the State Controller shall require.

5070. It shall be the duty of the State Controller to make such audit or audits of the books and records of counties and school districts receiving apportionments under this chapter, as he may deem necessary from time to time, for the purpose of determining that the money received by school districts as apportionments hereunder has been expended for the purposes and under the conditions authorized by this chapter.

5071. Whenever the State Controller determines that any money apportioned to a school district has been expended by such school district for purposes not authorized by this chapter, or exceeds the final cost of the project which is authorized by this chapter to be paid therefrom, the State Controller shall furnish written notice to the

governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury, at the time of the next county settlement following receipt of such notice, the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice, such governing board shall, at the time specified herein, order the county treasurer to pay to the State Treasurer, out of the moneys in the public school building fund of the school district in the county treasury, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the Public School Building Fund. Upon the repayment of any such amount, the original amount of the apportionment made to such school district shall, for the purpose of the computation of the annual repayment provided in this chapter, be deemed to be the net amount of the original apportionment remaining after deducting therefrom the amount reimbursed to the State pursuant to this section.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

5072. An apportionment paid to a school district under this chapter shall be available for expenditure by its governing board for three years after the date on which the warrant covering the apportionment was issued by the State Controller. For the purposes of this chapter, an apportionment shall be deemed to be expended at the time and to the extent that the amount thereof on deposit in the county treasury has been encumbered by the creation of a valid obligation on the part of the school district. Upon the expiration of its period of availability, the unencumbered balance of any apportionment made under this chapter shall become due and payable to the State of California; and the governing board of the school district and the county treasurer shall, at the time of the next county installment following the expiration of such period of availability, pay the amount of such unencumbered balance to the State Treasurer, out of the funds, and in the manner specified in Section 5071 of this code. Such payment shall, on order of the State Controller, be deposited in the Public School Building Fund in the State Treasury."

Amendments read, and adopted.

Bill ordered printed, and referred to Committee on Education.

Senate Bill No. 35—An act to repeal Chapter 3 of Division 12 of the Education Code, consisting of Sections 24351 to 24355, inclusive, relating to the California State Historical Association.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1354—An act to amend Section 184 of the Education Code and Section 3253 of the Welfare and Institutions Code, relating to gifts, donations, bequests, and devises to the Department of Education and to schools, colleges, and other institutions under the jurisdiction of the Department of Education.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1355—An act to add Article 6 to Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, relating to the sale of products of institutions under the jurisdiction of the Department of Education.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 873—An act to amend Section 11791 of the Education Code, relating to textbooks for junior college students.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1028—An act to add Section 2895.1 to the Education Code, relating to the annexation of school districts to union or joint union elementary school districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1 of the printed bill, beginning on line 3, strike out "this article may", and insert "Section 2891".

Amendment No. 2

On page 1, line 6, of said bill, strike out "be presented", and insert "may be presented, with the approval of the governing board of the union or joint union district,".

Amendment No. 3

On page 1, line 7, of said bill, strike out "in which the petitioning district is situated", and insert "having jurisdiction over the petitioning district".

Amendment No. 4

On page 1, line 9, of said bill, after "election", insert "in the petitioning district".

Amendment No. 5

On page 1 of said bill, in line 15, strike out "The elec-", and strike out all of lines 16 and 17, and in line 18 strike out "tendent of schools who called the election."

Amendment No. 6

On page 1 of said bill, in line 24, strike out "and the annexation shall become effective", and strike out all of line 25, and insert a period.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1325—An act to amend Sections 12752 and 12754 of the Education Code, and to add Section 12752.1 to said code, relating to the revocation of credentials, life diplomas, documents, and certificates authorizing service in the public schools.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1 of the printed bill, strike out lines 16 to 20, inclusive, and insert "12752.1. When a hearing is held to suspend or revoke a certification document pursuant to the authority granted the State Board of Education by Sections 12751 or 12752 of this code, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the State Board of Education shall have all the powers granted therein."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 598—An act to add Article 5 to Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code and to amend Section 3325 of said code, relating to institutions for the blind under the jurisdiction of the Department of Education.

Bill read second time, ordered engrossed, and to third reading.

**MOTION TO RE-REFER SENATE BILLS NOS. 280 AND 515,
AS AMENDED**

Senator Swing moved that Senate Bills Nos. 280 and 515, as amended, be re-referred to Committee on Governmental Efficiency.

Motion carried.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1591—An act to amend Section 7437 of the Education Code, relating to the sale of school district bonds.

Bill read second time, and ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Hulse asked for, and was granted, unanimous consent to have the following communication to Senator Kraft printed in the Journal:

March 21, 1949

DEAR SENATOR FRED KRAFT:

It has come to my attention that some citizens of your district might possibly misinterpret the joke which your colleagues played upon you on the occasion of your birthday. I am sure the public appreciates the fact that occasionally we take time out in the Senate to show our affection and esteem for those members whom we particularly admire, and that instead of saying what we really think of them, we ridicule and jest with them. Needless to say the extent of our joke is an indication of the depth of our feeling for them. The Senator from San Diego County is well loved and respected by his colleagues.

Therefore, it was our hope, in that joke, to demonstrate in some measure the high esteem in which you are held by your fellow Senators. The resolution which I introduced was, of course, a parody, a deliberate contradiction of the truth.

Had we said what we really think of you we would have commended you for your vigilant attention to the work of the Senate; your punctuality; your genuine interest during all meetings; your alert and determined efforts in behalf of both your district and of the people of the State; your constant attention to your duties and responsibilities; and, of course, your unfailing good humor, courtesy to attaches, and friendly thoughtfulness toward all.

We regret that the "resolution" was printed inadvertently in the Journal of that day. It should never have appeared, for such matters must have the approval of the Senate Rules Committee to which they should be referred. Without that approval, which was never given in this instance, the paper has no legal existence. But, through an error, it was printed, and for that reason, I wish to clarify the matter.

Had we not thought so much of you, we would never have taken the time to joke with you. It is only those Senators who merit the respect and esteem of their colleagues who achieve recognition in this manner.

I hope that no one will regard this as anything but a joke upon a hard-working Senator and a well-loved colleague.

Sincerely,

BEN HULSE
Senator, Thirty-ninth District

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 470—An act to amend Section 12126 of the Education Code, relating to credentials authorizing service in the public schools.

Motion to Refer Bill to Inactive File

Senator Dilworth moved that Senate Bill No. 470 be placed on the inactive file.

Motion carried.

Senate Bill No. 1365—An act to add Section 758.5, to amend Sections 758 and 759.1, and to repeal Section 758a of the Political Code, relating to officers and employees of the district courts of appeal.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish,

Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Ward, Watson, and Williams—32.
 NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RETAIN PLACE ON FILE

Senator Abshire moved that Senate Bill No. 70 be passed on file, and that it retain its place on file.

Motion carried.

Senate Joint Resolution No. 22—Relative to memorializing the President, Secretary of State, and Congress of the United States and condemning the communist persecution of Cardinal Mindszenty and other Roman Catholic prelates in Hungary, the espionage trial of Protestant pastors in Bulgaria and the persecution of religion in all communist-dominated countries behind the iron curtain.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Ward, Watson, and Williams—34.

NOES—Senators Dillinger and Drobish—2.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Concurrent Resolution No. 55—Relative to persecution of religious sects of all communist-controlled nations.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Ward, Watson, and Williams—30.

NOES—Senators Dillinger and Drobish—2.

Resolution ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 468—An act to add Section 32100.5 to the Health and Safety Code, relating to local hospital districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, McBride, O'Gara, Parkman, Powers, Regan, Sutton, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 390—An act to amend Section 626 of the Agricultural Code, relating to skim milk.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Ward, Watson, and Williams—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 392—An act to amend Sections 737.5 and 737.7 of the Agricultural Code, relating to marketing of fluid milk and fluid cream.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, O'Gara, Parkman, Powers, Sutton, Swing, Tenney, Ward, Watson, and Williams—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 560—An act to amend Section 27264 of the Government Code, relating to the recordation of land patents.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Johnson, Judah, Keating, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Ward, Watson, and Williams—28.
NOES—Senators Hulse and Jespersen—2.

Motion to Reconsider

Senator Hatfield moved to reconsider the vote whereby Senate Bill No. 560 was passed.

Postponement of Reconsideration

On motion of Senator Hatfield, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 560 was passed, was continued until the next legislative day.

Senate Bill No. 41—An act to amend Section 27322 of the Government Code, relating to recording of instruments.

Bill read third time.

Motion to Re-refer Senate Bill No. 41

Senator Williams moved that Senate Bill No. 41 be re-referred to Committee on Local Government.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Dorsey asked for, and was granted, unanimous consent to pass Senate Bill No. 64 on file and retain its place on file until Tuesday, March 22, 1949.

Senate Bill No. 42—An act to amend Section 27288 of the Government Code, relating to the recording of documents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 43—An act to amend Section 27380 of the Government Code, relating to filing fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—Senators Desmond, Dilworth, and Donnelly—3.

Motion to Reconsider

Senator Desmond moved to reconsider the vote whereby Senate Bill No. 43 was passed.

Postponement of Reconsideration

On motion of Senator Desmond, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 43 was passed, was continued until the next legislative day.

Senate Bill No. 44—An act to repeal Section 27378 of the Government Code, relating to the fee for recording marks or brands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 855—An act to amend Section 28113 of the Government Code, relating to compensation for public service in counties of the thirteenth class.

Bill read third time.

Motion to Amend

Senator Williams moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, strike out lines 7 and 8.

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading

Senate Bill No. 1330—An act to add Section 450.1 to the California Unemployment Insurance Act, relating to disability insurance, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 630

Senator Powers moved that Senate Bill No. 630 be withdrawn from Committee on Business and Professions and referred to Committee on Governmental Efficiency.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senate Drobish asked for, and was granted, unanimous consent to have the following explanation of his vote on Senate Joint Resolution No. 22 and Assembly Concurrent Resolution No. 55, printed in the Journal:

Explanation of Vote by Senator Drobish

I voted "no" on S.J.R. No. 22 and A.C.R. No. 55 on the basis of policy. Previously I have objected to certain resolutions on the same basis. The consideration of indiscriminate resolutions, based on newspaper articles and lacking factual support, I believe to be outside the scope of the legitimate business of the State Senate. I am unalterably opposed to Communism and will support constructive measures to stop the spread of Communism in California and elsewhere. Religious persecution is indefensible anywhere and especially the apparently unfair trials to which these religious leaders, mentioned in these resolutions, were subjected.

If the opposition registered to these resolutions will result in a more careful screening of Senate resolutions before being offered for adoption, then the objective of my protest will have been achieved.

SENATOR HARRY E. DROBISH

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 684

Senator Ward moved that Senate Bill No. 684 be withdrawn from Committee on Governmental Efficiency for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 684—An act to amend Sections 2, 3, 25, 26, 27, 28, and 29 of the Retirement Systems Act, relating to what constitutes a retirement system and the exemption of certain retirement systems from various provisions of the act.

Bill read second time.

Motion to Amend

Senator Ward moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, following line 50, insert

"SEC. 6. Section 28 of "The Retirement Systems Act" is hereby amended to read as follows:

Sec. 28. The provisions of this act, other than Sections 8, 9, and 24, shall not apply to any retirement system established for employees of any public utility or common carrier, as defined in the Public Utilities Act of this State, or the Interstate Commerce Acts, Federal Communication Act or Federal Power Act.

Sec. 7. Section 29 of "The Retirement Systems Act" is hereby amended to read as follows:

Sec. 29. The provisions of this act, other than Sections 8, 9, and 24, shall not apply to any retirement system established for employees of a foreign corporation not doing an intrastate business in this State."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 796—An act to add Section 125 to the Business and Professions Code, prohibiting certain practices by persons licensed under said code and providing penalties for violations thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Judah, Keating, Kraft, O'Gara, Parkman, Powers, Sutton, Swing, Tenney, Ward, Watson, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 819—An act to add Section 17500.1 to the Business and Professions Code, relating to regulation of advertising.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Hugh M. Burns, Busch, Coombs, Crittenden, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Keating, Kraft, O'Gara, Parkman, Powers, Sutton, Swing, Tenney, Ward, Watson, and Weybret—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 800—An act to add Section 162 to the Business and Professions Code, and to repeal Section 7080.1 of said code, and to amend Section 7080 of said code, relating to certificates of certain officers of boards within the Department of Professional and Vocational Standards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Hugh M. Burns, Busch, Coombs, Crittenden, Desmond, Dilworth, Dorsey, Drobish, Hatfield, Hulse, Keating, Kraft, O'Gara, Parkman, Powers, Sutton, Swing, Tenney, Ward, Watson, and Weybret—21.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 25: By Senators Powers, Keating, Michael J. Burns, McBride, Collier, Regan, Kraft, Brown, and Salsman—Relative to petitioning and memorializing the United States Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States to insure participation of the United States in a world federal government.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 417
Assembly Bill No. 419
Assembly Bill No. 420
Assembly Bill No. 450
Assembly Bill No. 518
Assembly Bill No. 701
Assembly Bill No. 792
Assembly Bill No. 797
Assembly Bill No. 842
Assembly Bill No. 908

Assembly Bill No. 1098
Assembly Bill No. 1099
Assembly Bill No. 1102
Assembly Bill No. 1104
Assembly Bill No. 1605
Assembly Bill No. 1748
Assembly Bill No. 1750
Assembly Bill No. 1754
Assembly Bill No. 1755
Assembly Bill No. 1945

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 417—An act to amend Section 871 of the Welfare and Institutions Code, relating to support of wards of the juvenile court.

Referred to Committee on Social Welfare.

Assembly Bill No. 419—An act to amend Section 638 of the Welfare and Institutions Code, relating to the duties of probation officers.

Referred to Committee on Social Welfare.

Assembly Bill No. 420—An act to amend Section 721 of the Welfare and Institutions Code, relating to the duties of probation officers.

Referred to Committee on Social Welfare.

Assembly Bill No. 450—An act to amend Sections 21200 and 21201 of, and to add Section 21202 to the Corporations Code, relating to the property of certain unincorporated associations.

Referred to Committee on Judiciary.

Assembly Bill No. 518—An act to amend Sections 1203.1 and 1203a of the Penal Code, relating to the terms and conditions of probation.

Referred to Committee on Judiciary.

Assembly Bill No. 701—An act to amend Section 537 of the Code of Civil Procedure, relating to attachments.

Referred to Committee on Judiciary.

Assembly Bill No. 792—An act to amend Section 7329 of the Business and Professions Code, relating to cosmetology.

Referred to Committee on Business and Professions.

Assembly Bill No. 797—An act to amend Section 7302 of the Business and Professions Code, relating to cosmetology.

Referred to Committee on Business and Professions.

Assembly Bill No. 842—An act to amend Section 500 of the Agricultural Code, relating to milk and milk products inspection.

Referred to Committee on Agriculture.

Assembly Bill No. 908—An act to repeal Sections 215.8, 215.9, 215.10, 215.11, 215.12, and 215.17 of the Agricultural Code, relating to the licensing of swine salesyards.

Referred to Committee on Agriculture.

Assembly Bill No. 1098—An act to amend Section 689c of the Code of Civil Procedure, relating to application of proceeds of sale or execution.

Referred to Committee on Judiciary.

Assembly Bill No. 1099—An act to amend Section 581a of the Code of Civil Procedure, relating to dismissal on lack of prosecution.

Referred to Committee on Judiciary.

Assembly Bill No. 1102—An act to amend Section 542 of the Code of Civil Procedure, relating to the manner in which property is attached.

Referred to Committee on Judiciary.

Assembly Bill No. 1104—An act to amend Section 1166a of the Code of Civil Procedure, relating to unlawful detainer.

Referred to Committee on Judiciary.

Assembly Bill No. 1605—An act to amend Section 189 of the Code of Civil Procedure, relating to destruction of court records.

Referred to Committee on Judiciary.

Assembly Bill No. 1748—An act to amend Section 1501 of the Welfare and Institutions Code, relating to definition of terms.

Referred to Committee on Social Welfare.

Assembly Bill No. 1750—An act to amend Section 160 of the Welfare and Institutions Code, relating to the transfer of mental patients to the states of their residence.

Referred to Committee on Social Welfare.

Assembly Bill No. 1754—An act to add Sections 6660.1 and 6660.2 to the Welfare and Institutions Code, relating to the investment of funds held by the Department of Mental Hygiene as guardian or other fiduciary.

Referred to Committee on Social Welfare.

Assembly Bill No. 1755—An act to amend Section 6500.3 of the Welfare and Institutions Code, relating to the state institution for epileptics, and for mentally defective physically handicapped persons.

Referred to Committee on Social Welfare.

Assembly Bill No. 1945—An act to amend Section 600 of the Agricultural Code, relating to scoring of butter.

Referred to Committee on Agriculture.

ADJOURNMENT

At 4.45 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Tuesday, March 22, 1949, out of respect to the memory of the late Dewey S. Baker.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-THIRD LEGISLATIVE DAY

SEVENTY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, March 22, 1949

The Senate met at 1.30 p.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

Quorum present.

PRAYER

By invitation of the President, prayer was offered by Senator Dilworth.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:
Senator Salsman, on motion of Senator Collier.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. E. A. Couture and Mr. and Mrs. Paul Couture of Modesto.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. L. Foster of Independence.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Katherine T. Brown and Howard E. Becker of Stockton.

On request of Senator Moore, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. E. W. Ward of Pennsylvania and E. L. Farnett of Santa Rosa.

On request of Senators Kennedy and Bennett, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ethel S. Dwyer of Los Angeles.

On request of Senator Tolson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Marguerite Llewellyn and Marion Mansfield of Sacramento.

On request of Senators Brown and Patterson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edward L. Keller of San Francisco.

On request of Senator Campbell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mae Arnold, Miss Simpson, Mrs. Edna Morgan, Fremont and the following members of the Farmers Union High School Senior Class of Patterson: John Leonard, Fred Leonard, Victor Leonard, Lewis Hoffmann, Doris Hoffman, Al Foster, Paula Hoffman, Mrs. Crawford, Laura Farnham, Frank Peterson, Alice Peterson, Mrs. George, Jack Gierhart, Don Hamilton, Steven Gierhart, John Gierhart, Fred Gierhart, Robert Gierhart, Edith Gierhart, Rose Gierhart, Fred Gierhart, Francis Layson, Mary Kuchta, Fred Kuchta, John Kuchta, Thomas Kuchta, Stanley Ginn, Douglas Parsons, Margaret Parsons, Edith Parsons, Marion Watson, Evelyn Watson, Mrs. Watson, Mary Watson, Eugene Scott, Arvey Swanson, Eugene Taylor, Edwin Thompson, and Fred Tate.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. E. W. Ward, Princeton University, Tennessee, and W. Lee Schumacher and the following students of the University School of Agriculture, Bill Anderson, Frank Johnson, Charles Joseph, Richard Jennings, Bill Johnson, Thomas Carlson, Stuart Center, Bob Foster, Susan Clark, Stanley Ginn, Evelyn Gierhart, John Gierhart, James Gierhart, John Lyne, George Gierhart, Francis Gierhart, Stanley Gierhart, Jack Gierhart, Billy Hector, Kent Keller, Harold Kennedy, Fred Lopez, Ray McLean, Sherman McKee, Jerome Paine, Leonard Paine, Roberta Peterson, Ernest Peterson, Arthur Lee, John Paine, Douglas Scott, David Smith, Walter Smith, Edward Stegman, and J. Williams, Bill Wheeler and Fred Watson.

On request of Senator Cook, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Frank Earl, Mr. and Mrs. Walter Earl and Joseph and Mrs. Mrs. George Gierhart, Mrs. John Gierhart and Edward Gierhart, Mrs. W. W. Tate, Robert Peterson and Gene Leonard of Hamilton.

On request of Senator Reed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Graham Richmond, teacher, and the following students of the Wausau school of Wisconsin: Michael Earl, Kathleen Earl, Charlotte Koser, and John, Francesa Earl, Stanley Carlson, Joyce Lee, George Brown, Larry Tate, Jerome Lee Jackson, Teddie Peterson, Charles Seeger, and Earl Earl.

On request of Senator Wilson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Don Patel and Roy Edwards of Orange.

On request of Senator Weybret, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Taylor, Mayor of Salinas.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. D. Pratt of San Diego.

On request of Senators Keating, O'Gara, Miller, Hugh M. Burns, Brown, Desmond, Dillinger, Regan, Donnelly, Drobish, Gibson, Johnson, and McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney Edmund (Pat) Brown, Assistant District Attorney Jack Berman and Daniel Del Carlo, all of San Francisco.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 21, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 35	Senate Bill No. 660
Senate Bill No. 352	Senate Bill No. 661
Senate Bill No. 431	Senate Bill No. 663
Senate Bill No. 471	Senate Bill No. 664
Senate Bill No. 598	Senate Bill No. 665
Senate Bill No. 654	Senate Bill No. 741
Senate Bill No. 655	Senate Bill No. 873
Senate Bill No. 656	Senate Bill No. 1343
Senate Bill No. 657	Senate Bill No. 1354
Senate Bill No. 659	Senate Bill No. 1355

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 855

And reports the same correctly re-engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 251	Senate Bill No. 666
Senate Bill No. 273	Senate Bill No. 1028
Senate Bill No. 658	Senate Bill No. 1325

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Senate Bill No. 75

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 8; absent 5.

COLLIER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Senate Bill No. 62

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 8; absent 5.

COLLIER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:
Senate Bill No. 591

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8; absent 5.

COLLIER, Chairman

Above reported bill ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Natural Resources, to which was referred:
Senate Bill No. 1358

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

BROWN, Vice Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Natural Resources, to which were referred:

Senate Bill No. 142 Senate Bill No. 691

Senate Bill No. 143 Senate Bill No. 1117

Senate Bill No. 247 Senate Bill No. 1280

Senate Bill No. 248 Senate Bill No. 1610

Senate Bill No. 250 Assembly Bill No. 479

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BROWN, Vice Chairman

Above reported bills ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, March 21, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which was referred:

Senate Constitutional Amendment No. 1

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 8; absent 3.

PARKMAN, Chairman

Above reported resolution ordered to third reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which were referred:

Senate Bill No. 381

Senate Bill No. 1130

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which were referred:

Senate Bill No. 347

Senate Bill No. 31

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 5

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 133

Senate Bill No. 671

Senate Bill No. 330

Senate Bill No. 1209

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 517

Senate Bill No. 857

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 730

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 601
Senate Bill No. 1216
Senate Bill No. 1221

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1407
Senate Bill No. 1430
Senate Bill No. 332

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

Senator McBride Presiding

At 1.45 p.m., Senator James J. McBride of the Thirty-third District, presiding.

Chief Assistant Secretary Cleve V. Taylor at the Desk

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 64—An act to amend Chapter 8 of Division 10 of the Education Code, relating to establishing 24-hour schools to be known as California Academies for dependent, neglected, and homeless children who require special care and supervision, and providing for the government and administration thereof.

Bill read third time.

Motion to Refer Bill to Inactive File

Senator Rich moved that Senate Bill No. 64 be placed on the inactive file.

Senator Breed Presiding

At 2.47 p.m., Senator Arthur H. Breed of the Sixteenth District, presiding.

Roll Call Demanded

Senators Rich, Dorsey, and Mayo demanded a roll call.

The roll was called, and the motion by Senator Rich to refer Senate Bill No. 64 to the inactive file carried by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dilworth, Hatfield, Hulse, Keating, Kraft, Mayo, Parkman, Rich, Swing, Tenney, Ward, Watson, Weybret, and Williams—23.

NOES—Senators Michael J. Burns, Coombs, Dillinger, Donnelly, Dorsey, Gibson, Jespersen, Johnson, Judah, McBride, Miller, O'Gara, Regan, and Sutton—14.

Senate Joint Resolution No. 21—Relating to memorializing the Federal Department of Interior and the Bureau of Reclamation of the

Federal Government in relation to reimbursing the State of California and the reconstruction of flood control works on the Sacramento River.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Abshire asked for, and was granted, unanimous consent to have Senate Bill No. 70 passed on file and retain its place on file.

Senate Bill No. 1512—An act to amend Section 28139 of the Government Code, relating to compensation for public service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 482—An act to amend Section 3476a of the Political Code, relating to reclamation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Sutton, Swing, Tenney, Ward, Watson, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 3.15 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Senate Bill No. 799—An act to add Section 161 to the Business and Professions Code, relating to the sale of copies of the public records of boards within the Department of Professional and Vocational Standards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Sutton, Swing, Tenney, Ward, Watson, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 803—An act to amend Section 6736 of the Business and Professions Code, relating to the practice of civil engineering.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Powers, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Hugh M. Burns Presiding

At 3.16 p.m., Senator Hugh M. Burns of the Thirtieth District, presiding.

Senate Bill No. 401—An act to amend Sections 11540 and 11541 of the Business and Professions Code, relating to subdivision maps.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 352—An act to amend Section 13 of, and to add Section 13.2 to, the Construction and Employment Act, relating to projects for which the county allocation thereunder is available, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, Weybret, and Williams—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Sutton, Swing, Tenney, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 471—An act to amend Section 28135 of the Government Code, relating to compensation for public service in counties of the thirty-fifth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride,

Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 654—An act to amend and renumber Section 6210.3 of the Public Resources Code, added to said code by an act entitled "An act to add Sections 6210.3, 6210.4, and 6220 to the Public Resources Code, relating to reservations of easements for convenient access, in sale, lease or rental of state-owned lands, and to acceptance of quitclaim deeds by the State Land Commission," approved May 20, 1943, and to amend and renumber Sections 6210.4 and 6210.5 of the Public Resources Code, relating to public lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 656—An act to amend Section 6303 of the Public Resources Code, relating to state lands, granting privileges with respect thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 659—An act to amend Section 7410 of the Public Resources Code, relating to state lands, removing acreage limitations on purchases thereof.

Bill read third time.

Motion to Amend

Senator Brown moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "740", and insert "7410".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 660—An act to amend Section 7704 of the Public Resources Code, relating to unapproved applications for purchase of state lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth,

Donnelly, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, and Williams—31.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 661—An act to amend Section 7406 of the Public Resources Code, relating to public land selections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Jespersen, Johnson, Keating, Mayo, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 663—An act to amend Section 7729 of the Public Resources Code, relative to the issuance of patents for state lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Hatfield, Hulse, Jespersen, Johnson, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 664—An act to amend Section 7705 of the Public Resources Code, relating to state lands open and closed to purchase.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 665—An act to amend Section 7706 of the Public Resources Code, relating to applications for the purchase of state lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 741—An act to amend Section 3 of an act entitled "An act to release the Regents of the University of California from all obligations assumed by said the Regents of the University of California pursuant to the provisions of Sections 1, 2, and 3 of an act entitled, 'An act appropriating five hundred twenty-five thousand dollars (\$525,000) to be used and expended by the Regents of the University

of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said the regents shall deliver to the Chairman of the Department of Finance an obligation binding said the regents (a) to set aside for sale certain real property in Los Angeles owned by said the regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale, provided, that said the regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said the regents with approval of the Department of Finance shall fix; (d) to pay over to the State Treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State Treasury by said the regents, the Chairman of the Department of Finance shall deliver to said the regents a written acknowledgment that all requirements of said the regents' obligation have been performed and further providing that said the regents shall thereupon be discharged of every duty and requirement in the premises, declaring the urgency thereof and providing that this act shall take effect immediately,' approved May 31, 1929, assenting to the conveyance to the State of California by the Regents of the University of California of certain real property in the City of Los Angeles, providing for the transfer to the State of California of leases and contracts of sale affecting said real property, and providing for the sale of such property by the State," approved April 21, 1943, relating to interests in real property owned by the Regents of the University of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Ward, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1343—An act to amend Section 10332 of the Government Code, relating to the California Code Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Ward, Watson, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 251—An act to amend Sections 16505 and 16581, and to repeal Section 16524 of, the Government Code, relating to deposits of state money in banks.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jaspersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Ward, Watson, Weybret, and Williams—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jaspersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Ward, Watson, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 273—An act to amend Section 28114 of the Government Code, relating to compensation of county officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jaspersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Ward, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 658—An act to authorize and validate sales of state land made by the State Lands Commission during the calendar year 1948.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jaspersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Sutton, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1354—An act to amend Section 184 of the Education Code and Section 3253 of the Welfare and Institutions Code, relating to gifts, donations, bequests, and devises to the Department of Education and to schools, colleges, and other institutions under the jurisdiction of the Department of Education.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendment:

Amendment No. 1

On page 3, in lines 1 to 3, inclusive, of the printed bill, strike out "who shall be under the direction and supervision of the superintendent of the home".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 1355—An act to add Article 6 to Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, relating to the sale of products of institutions under the jurisdiction of the Department of Education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Sutton, Ward, Watson, Weybret, and Williams—32.
NOES—None.

Bill ordered transmitted to the Assembly.

MOTIONS TO RECONSIDER

Senate Bill No. 560—An act to amend Section 27264 of the Government Code, relating to the recodation of land patents.

Motion to Reconsider Waived

Senator Hatfield waived his motion to reconsider the vote whereby Senate Bill No. 560 was passed.

Senate Bill No. 560 ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 271

Senator Hatfield moved that Senate Bill No. 271 be withdrawn from Committee on Agriculture for purpose of amendment and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 271—An act to amend Sections 735.3, 736.1-1, and 736.3 of the Agricultural Code, relating to fluid milk and fluid cream.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert "and to add Section 735.10 to,".

Amendment No. 2

On page 2, line 20, of said bill, strike out "of which any portion thereof", and insert "which".

Amendment No. 3

On page 2 of said bill, strike out lines 25 to 28, inclusive, and insert

"When the milkfat from any milk is used in any product included in Class 1, the skim milk from such milk shall be considered Class 1, and when the skim milk from any milk is used in any product included in Class 1, the milkfat from such milk shall be considered Class 1."

Amendment No. 4

On page 10 of said bill, after line 19, insert

"SEC. 4. Section 735.10 is added to said code, to read:

735.10. Whenever the director determines that it is probable that one or more factors or conditions which affect prices of fluid milk and fluid cream have changed on a relatively uniform basis throughout two or more marketing areas he may consolidate the hearings on the matter of price changes for such areas. No price change shall be made as a result of such a consolidated hearing unless it is uniform throughout the areas affected."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to have the members of the Fish and Game Committee excused for the purpose of holding a committee hearing.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 62

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By JOHN WINDT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 62—Relative to the University of San Francisco victory in the National Invitational Basketball Championship.

Request for Unanimous Consent

Senator O'Gara asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 62, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 62

Assembly Concurrent Resolution No. 62—Relative to the University of San Francisco victory in the National Invitational Basketball Championship.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Ward, and Watson—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 125

Senator Keating moved that Senate Bill No. 125 be withdrawn from Committee on Business and Professions for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 125—An act to add Chapter 10, consisting of Sections 4500 to 4628, inclusive, to Division 2 of the Business and Professions Code, to amend Section 101 of the Business and Professions Code and Section 11501 of the Government Code, relating to the care of the sick or afflicted by short course nurses, to schools for instructing or training short course nurses, to students in schools for instructing or training such nurses, the administration thereof, and making an appropriation.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4628", and insert "4627".

Amendment No. 2

On page 1 of said bill, between lines 13 and 14, insert "4502. "Examination Committee" as used in this chapter means the examination committee as constituted in Section 4532 hereof."

Amendment No. 3

On page 1, line 14, of said bill, strike out "4502", and insert "4503".

Amendment No. 4

On page 1, line 17, of said bill, strike out "4503", and insert "4504".

Amendment No. 5

On page 2, line 9, of said bill, strike out "nine", and insert "seven".

Amendment No. 6

On page 2, line 10, of said bill, strike out "Three", and insert "Two".

Amendment No. 7

On page 2 of said bill, strike out lines 13 through 16, inclusive, and insert "of California."

Amendment No. 8

On page 2, line 31, of said bill, strike out "three", and insert "two".

Amendment No. 9

On page 2 of said bill, strike out line 34, and insert "their successors. 4514. The practical nurse members of the".

Amendment No. 10

On page 2, line 36, of said bill, strike out "one until January 15, 1952,".

Amendment No. 11

On page 2 of said bill, strike out lines 38 through 44, inclusive.

Amendment No. 12

On page 3, line 45, of said bill, strike out "Seven", and insert "Five".

Amendment No. 13

On page 3, line 50, of said bill, after "chapter", insert ", a record of any action taken by the examination committee".

Amendment No. 14

On page 4 of said bill, between lines 32 and 33, insert "4532. A Licensed Practical Nurse Examination Committee of eight persons is hereby created to supervise the conduct of examinations given pursuant to Section 4555 hereof.

The examination committee shall be composed of two of the practical nurses who are members of the Advisory Council to the Board of Practical Nurse Examiners, two of the registered professional nurses who are members of the Board of Practical Nurse Examiners, all to be appointed by the said board, the two members of the Advisory Council to the Board of Practical Nurse Examiners who are members of and represent the California State Medical Association, the one member of the said advisory council who is a member of and represents the Association of California Hospitals, and the one member of the advisory council who is a member of and represents the Western Conference of Catholic Hospital Associations.

4532.3. All of the members of the examination committee shall serve for a period of three years, or for such lesser term as may be equal to their tenure on the Board of Practical Nurse Examiners or the advisory council, and they shall serve until the qualification of their successors.

4532.5. The members of the examination committee shall receive no compensation but shall receive the actual and necessary expenses incurred by them in the performance of their duties."

Amendment No. 15

On page 4, line 33, of said bill, strike out "4532", and insert "4533".

Amendment No. 16

On page 5, line 6, of said bill, strike out "4533", and insert "4534".

Amendment No. 17

On page 5, line 16, of said bill, strike out "4534", and insert "4535".

Amendment No. 18

On page 5, line 20, of said bill, strike out "4535", and insert "4536".

Amendment No. 19

On page 7, line 36, of said bill, after "conducted", insert "under the supervision of the examination committee."

Amendment No. 20

On page 8 of said bill, strike out lines 6 through 13, inclusive, and insert "4559. This chapter does not prohibit nursing the sick with or without".

Amendment No. 21

On page 8 of said bill, strike out lines 15 through 17, inclusive, and insert "hold himself out to be a "licensed practical nurse." "

Amendment No. 22

On page 8, line 18, of said bill, strike out "4561", and insert "4560".

Amendment No. 23

On page 8, line 23, of said bill, strike out "nurses," "vocational", and lines 24 and 25 and insert "nurses."

Amendment No. 24

On page 8, line 26, of said bill, strike out "4562", and insert "4561".

Amendment No. 25

On page 10, line 5, of said bill, strike out "Except", and insert "Notwithstanding the provisions of Section 4585 and 4585.5 hereof, except".

Amendment No. 26

On page 10, line 20, of said bill, strike out "twelve", and insert "fourteen".

Amendment No. 27

On page 10, line 21, of said bill, strike out "approved", and insert "registered".

Amendment No. 28

On page 10, line 22, of said bill, after "or", insert "approved by".

Amendment No. 29

On page 11 of said bill, strike out lines 11 through 13, inclusive, and insert " "licensed practical nurses." "

Amendment No. 30

On page 11 of said bill, strike out lines 17 through 23, inclusive, and insert "vided in this chapter to practice as a "licensed practical nurse," or to in any way hold himself out to be such, or use in connection with his name either the title "licensed practical nurse," or the letters "L. P. N." "

Amendment No. 31

On page 13 of said bill, strike out lines 14 through 20, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Powers moved that Assembly Concurrent Resolution No. 52 be taken from the inactive file and placed on the second reading file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 814

Senator Hugh M. Burns moved that Senate Bill No. 814 be withdrawn from Committee on Business and Professions for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 814—An act to amend Sections 7514, 7522, 7526, 7531, 7547, 7551, 7565, and 7582 of, and to add Sections 7529.5, 7529.6, 7540, 7541, 7542, and 7543 to, the Business and Professions Code, relating to private detectives.

Bill read second time.

Motion to Amend

Senator Hugh M. Burns moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, in line 1 of the title, after "7526," insert "7527,".

Amendment No. 2

On page 1 of said bill, in line 1 of the title, after "7531," insert "7538".

Amendment No. 3

On page 1 of said bill, in line 3 of the title, strike out "and 7543", and insert "7543 and 7549".

Amendment No. 4

On page 2 of said bill, in lines 32 and 33, strike out ", if an individual, or if the applicant is a person other than an individual, its", and insert "or his".

Amendment No. 5

On page 2 of said bill, in line 35, insert "(b) Be a citizen of the United States."

Amendment No. 6

On page 2 of said bill, in line 36, strike out "(b)" and insert "(c)".

Amendment No. 7

On page 2 of said bill, in line 37, strike out "(c)", and insert "(d)".

Amendment No. 8

On page 2 of said bill, in line 40, strike out "(d)", and insert "(e)".

Amendment No. 9

On page 2 of said bill, in line 44, strike out "(c)", and insert "(d)".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 10

On page 2 of said bill, after line 46, insert

"SEC. 4. Section 7527 of the Business and Professions Code is amended to read:

7527. The director may require an applicant[, if an individual, or if the applicant is a person other than an individual, its] *or his* manager, to demonstrate his qualifications by a written or oral examination, or a combination of both."

Amendment No. 11

On page 2 of said bill, in line 47, after "Sec.", strike out "4", and insert "5".

Amendment No. 12

On page 3 of said bill, after line 3, insert

"Sec. 6. Section 7538 of said code is amended to read:

7538. (a) Any licensee or officer, director, member, partner, manager, [or employee] of a licensee may divulge to any law enforcement officer or district attorney, or his representative, any information he may acquire as to any criminal offense, but he shall not divulge to any other person, except as he may be required by law so to do, any information acquired by him except at the direction of the employer or client for whom the information was obtained.

(b) No licensee or officer, director, member, partner, manager, or employee of a licensee shall knowingly make any false report to his employer or client for whom information was being obtained."

Amendment No. 13

On page 3 of said bill, in line 4, after "Sec.", strike out "5", and insert "7".

Amendment No. 14

On page 3 of said bill, in line 19, after "Sec.", strike out "6", and insert "8".

Amendment No. 15

On page 3 of said bill, in line 37, at the beginning of the line after "ing[.]", strike out " premises".

Amendment No. 16

On page 3 of said bill, strike out all of lines 48 and 49.

Amendment No. 17

On page 3 of said bill, in line 50, strike out "(i)", and insert "(h)".

Amendment No. 18

On page 4 of said bill, strike out lines 1 to 3, inclusive.

Amendment No. 19

On page 4 of said bill, in line 4, after "Sec.", strike out "7", and insert "8".

Amendment No. 20

On page 4 of said bill, in line 14, after "Sec.", strike out "8", and insert "9".

Amendment No. 21

On page 4 of said bill, in line 19, after "Sec.", strike out "9", and insert "11".

Amendment No. 22

On page 4 of said bill, in line 37, after "Sec.", strike out "11", and insert "12".

Amendment No. 23

On page 4 of said bill, in line 43, after "Sec.", strike out "11", and insert "13".

Amendment No. 24

On page 5 of said bill, in line 13, after "Sec.", strike out "12", and insert "14".

Amendment No. 25

On page 5 of said bill, in line 20, after "Sec.", strike out "13", and insert "15".

Amendment No. 26

On page 5 of said bill, in line 21, after "licensee", insert "soliciting for or advertising of his business".

Amendment No. 27

On page 5 of said bill, in line 23, after "Sec.", strike out "14", and insert "16".

Amendment No. 28

On page 5 of said bill, following line 27, insert "Upon application of a licensee the bureau shall issue branch office certificates. No fee shall be required for the issuance of such certificates.

Sec. 18. Section 7549 is added to said code, to read:

7549. Bonds executed and filed with the bureau pursuant to this article shall remain in force and effect until the surety has terminated future liability by 30-day notice to the bureau."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

CONSIDERATION OF DAILY FILE (RESUMED)

SECOND READING OF SENATE BILLS

Senate Bill No. 190—An act to add Sections 132.5 and 5931.5 to the Elections Code, relating to absentee registration and voting of members of the armed forces of the United States, or any auxiliary branch thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 215—An act to amend Section 1512 of the Elections Code, relating to voters' pamphlets.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 216—An act to add Section 1509.5 to the Elections Code, relating to ballot pamphlets.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 754—An act to amend Sections 9704 and 9705 of the Elections Code, relating to the general municipal election in cities of the fifth and sixth classes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 874—An act to repeal Section 52 of, and to add Section 52 to, the County Water District Act, relating to inclusion of lands.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1496—An act to amend Sections 101, 102, 103, 148, 360, 361, 452, 453, 454, 455, 456, 457, 458 of the Military and Veterans Code, relating to the adoption of federal laws and customs in the control of the militia, the adoption of the federal Articles of War, the adoption of rules and regulations for the control of the militia, the adoption of the federal system of discipline, the convening and jurisdiction of courts-martial, the approval of sentences and the disposition of records, courts of inquiry and bad-conduct discharges.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 736—An act to amend Sections 1195, 1196, and 1197 of the Military and Veterans Code, relating to officers of memorial districts and their election.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1495—An act to amend Sections 125, 127, 324, 325, 369, 397, 398, 439, 612, and 615 of the Military and Veterans Code and to amend Section 718e of the Civil Code, relating to military forces of the State, including the exemption from military service, the detail of federal officers for service with the National Guard or Naval Militia, the detail of officers for special duty and waiver of part of compensation, performance of emergency service, the performance of military duty on election day, the passage of the National Guard through toll bridges and on ferries, the declaration of places as "off limits," the leasing of property owned by a municipality for a term not to exceed fifty years for military or armory purposes, the colors and standards of organizations of the National Guard, the delivery of the colors to members of the family

of a deceased member of the National Guard, the use of the National Flag, and assignment of command.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "397".

Amendment No. 2

Strike out lines 9 and 10 of the title of said bill, and insert "of military duty on election day, the declaration".

Amendment No. 3

On page 3 of said bill, strike out lines 5 to 18, inclusive.

Amendment No. 4

On page 3, line 19, of said bill, strike out "7", and insert "6".

Amendment No. 5

On page 3, line 33, of said bill, strike out "8", and insert "7".

Amendment No. 6

On page 4, line 10, of said bill, strike out "9", and insert "8".

Amendment No. 7

On page 4, line 26, of said bill, strike out "10", and insert "9".

Amendment No. 8

On page 4, line 39, of said bill, strike out "11", and insert "10".

Amendment No. 9

On page 1 of said bill, strike out line 10.

Amendment No. 10

On page 1, line 11, of said bill, strike out "(e)", and insert "(d)".

Amendment No. 11

On page 2, line 8, of said bill, strike out "of".

Amendment No. 12

On page 2, line 9, of said bill, strike out "the same or higher grade".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Joint Resolution No. 7—Relative to memorializing the Congress of the United States to enact legislation relating to the disposal of temporary war housing.

Resolution read second time, ordered to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2
Assembly Bill No. 294
Assembly Bill No. 325
Assembly Bill No. 438
Assembly Bill No. 796
Assembly Bill No. 843
Assembly Bill No. 844
Assembly Bill No. 845
Assembly Bill No. 871
Assembly Bill No. 881

Assembly Bill No. 903
Assembly Bill No. 1107
Assembly Bill No. 1318
Assembly Bill No. 1349
Assembly Bill No. 2141
Assembly Bill No. 2143
Assembly Bill No. 2144
Assembly Bill No. 2150
Assembly Bill No. 2285
Assembly Bill No. 997

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By JOHN WENDT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 2—An act to amend an initiative act entitled “An act to amend an act entitled ‘An act for the certification of land titles and the simplification of the transfer of real estate,’ approved March 17, 1897,” approved by electors November 3, 1914, by adding Sections 48.1 to 48.9, inclusive, thereto, relating to the withdrawal of land from registry under the said act, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution.

Referred to Committee on Judiciary.

Assembly Bill No. 294—An act to amend Section 373 of, and to add Section 373.5 to, the Elections Code, relating to indexes of registration.

Referred to Committee on Elections.

Assembly Bill No. 325—An act to amend Sections 2609, 2611, 2614, 2621, 2631, 2702, 2705, 2750, 2753, 2795, 2798, and 2804 of the Elections Code, relating to elections.

Referred to Committee on Elections.

Assembly Bill No. 438—An act to amend Section 5402 of the Welfare and Institutions Code, relating to appearance in court, time and place of hearing, and commitment to rehabilitation center.

Referred to Committee on Judiciary.

Assembly Bill No. 796—An act to amend Section 7320 of the Business and Professions Code, relating to cosmetology.

Referred to Committee on Business and Professions.

Assembly Bill No. 843—An act to amend Sections 470 and 474 of the Agricultural Code, relating to milk and cream.

Referred to Committee on Agriculture.

Assembly Bill No. 844—An act to amend Sections 260, 260.2, and 261.4 of the Agricultural Code, relating to bovine brucellosis.

Referred to Committee on Agriculture.

Assembly Bill No. 845—An act to amend Section 617 of the Agricultural Code, relating to cheese and cheese products.

Referred to Committee on Agriculture.

Assembly Bill No. 871—An act to amend Section 1011 of the Fish and Game Code, relating to licenses, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Fish and Game.

Assembly Bill No. 881—An act to amend Section 1010 of the Fish and Game Code, relating to licenses, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Fish and Game.

Assembly Bill No. 903—An act to amend Section 123.55 of the Agricultural Code, relating to intercounty nursery stock certificates.

Referred to Committee on Agriculture.

Assembly Bill No. 997—An act to add Section 7325 to the Business and Professions Code, relating to cosmetology.

Referred to Committee on Business and Professions.

Assembly Bill No. 1107—An act to amend Section 886 of the Fish and Game Code, relating to fish for bait.

Referred to Committee on Fish and Game.

Assembly Bill No. 1318—An act to amend Section 4162 of the Business and Professions Code, relating to hypodermic syringes and needles.

Referred to Committee on Business and Professions.

Assembly Bill No. 1349—An act to add Section 7964.5 to the Elections Code, relating to precinct boards.

Referred to Committee on Elections.

Assembly Bill No. 2141—An act to amend Section 4533 of the Elections Code, relating to campaign statements.

Referred to Committee on Elections.

Assembly Bill No. 2143—An act to amend Section 8007 of the Elections Code, relating to recount of ballots.

Referred to Committee on Elections.

Assembly Bill No. 2144—An act to amend Section 330.5 of the Elections Code, relating to affidavits of registration.

Referred to Committee on Elections.

Assembly Bill No. 2150—An act to amend Section 7726 of the Business and Professions Code, relating to licenses of funeral directors and embalmers.

Referred to Committee on Business and Professions.

Assembly Bill No. 2285—An act to amend Section 7015, 7016, and 7020 of the Elections Code, relating to canvass of ballots.

Referred to Committee on Elections.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 158
Assembly Bill No. 309
Assembly Bill No. 1012
Assembly Bill No. 1640

Assembly Bill No. 1676
Assembly Bill No. 2370
Assembly Bill No. 2541
Assembly Bill No. 2710

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time :

Assembly Bill No. 158—An act to amend Section 29142 of the Government Code, relating to county and district budgets.

Referred to Committee on Local Government.

Assembly Bill No. 309—An act to amend Section 790 and to add Section 803.5 to the Agricultural Code, relating to nectarines, prescribing standards of quality and regulating the packing thereof, declaring the emergency of this act, to take effect immediately.

Referred to Committee on Agriculture.

Assembly Bill No. 1012—An act to amend Section 25365 of the Government Code, relating to the powers and duties of boards of supervisors.

Referred to Committee on Local Government.

Assembly Bill No. 1640—An act to amend the title of Article 1 of Chapter 4, and Section 380.51 of the Agricultural Code, relating to swine.

Referred to Committee on Local Government.

Assembly Bill No. 1676—An act to amend Section 5016 of the Public Resources Code, relating to the exchange of land within Anza Desert State Park Project.

Referred to Committee on Natural Resources.

Assembly Bill No. 2370—An act to add Section 5½ to the County Water Authority Act, relating to powers of county water authorities.

Referred to Committee on Local Government.

Assembly Bill No. 2541—An act to amend Section 5 of "An act to provide for the formation of districts within municipalities for the acquisition, construction or extension of waterworks, water systems or water distribution systems; for the issuance, sale and payment of bonds of such districts to meet the cost of such waterworks, water systems or water distribution systems; and for the acquisition, construction or extension of such waterworks, water systems or water distribution systems," approved April 26, 1935, to remove the limitation on the amount of the principal of indebtedness.

Referred to Committee on Local Government.

Assembly Bill No. 2710—An act to add Section 1239.5 to the Code of Civil Procedure, relating to eminent domain and the use of property acquired pursuant to eminent domain proceedings by the State and public agencies.

Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 29

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Finance.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 202

Senate Bill No. 997

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 1421

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; noes 1; absent 2.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 244

Senate Bill No. 766

Senate Bill No. 380

Senate Bill No. 998

Senate Bill No. 384

Senate Bill No. 1572

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported bills ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, March 21, 1949

MR. PRESIDENT: The Committee on Elections, to which was referred:

Senate Constitutional Amendment No. 2

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 9; committee vote: Ayes 7; noes 2.

WEYBRET, Chairman

Above reported resolution ordered to second reading.

ADJOURNMENT

At 4.20 p.m., on motion of Senator Cunningham, the President declared the Senate adjourned until 1.30 p.m., Wednesday, March 23, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-FOURTH LEGISLATIVE DAY

EIGHTIETH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, March 23, 1949

The Senate met at 1.30 p.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:
Senator Salsman, on motion of Senator Keating.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Doerr, and Ben Sweeny, Teachers, and the following students of the Abraham Lincoln High School of San Jose: Don Ansok, Jack Beebe, Marilou Borgen, Gordon DeCarli, Nila Dodd, Don Gibbs, Louis Himelhoch, George Hummel, Barbara Johnston, Frank Kirby, Ronnie Kuykendall, Jackie Lawlor, Lewis Long, Beth Lou Lundy, Biebrach Martin, Dave McClintic, Shirley Mitchell, Jim Morton, Roy Ogden, Dan O'Neal, Clifford Ott, Barbara Parker, Gordon Patterson, Janice Porter, Janette

Potter, Joan Rogers, Celia Rosing, Larry Shadle, Lawren Swanson, Newell Stroyer, Bill Thomas, Joe Tranchina, Gordon Wallace, Marcia Wilcox, Pat Work, and Marian Yeram.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Larry Hatlett of San Mateo.

On request of Senators Drobish and Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Harriett Webster of San Mateo.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lloyd Berrey and John Taylor of Alameda County.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fred A. Johnston of Bakersfield and Boyd M. Krout of Stockton.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Stanley McDougall, Supervisor; Frank Martella, Principal; and the following students of the Sunset School of San Lorenzo: Norman DeShon, Don Covey, Luther Cobet, Glenn Railsback, Loana Collins, Henry Hobson, Reiko Sato, Jay Whited, Donald Arthur, Earleen Benedict, Marilyn Smith, Allen Ness, Tom Barnes, Jim McNish, Ritchie Stapp, Jackie Dancer, Glenn Feise, Joe Gilstrap, Russell Garrett, Glenn Vargas, Joyce Detton, Larry Davidson, Marlene Berry, Joe Wehenkel, Ray Davis, Robert Lund, Carl Joaquin, Patricia Morgan, Shirley Johnson, Harley Carothers, Stan Ness, Claude Cooper, Marlene Welch, Wilma Hammons, Henry Vardanega, Oral Hayes, Manuel Perez, Richard Nieto, Jim Rider, Edward Ramirez, and Donald Furtado.

On request of Senators Sutton and Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Don McNary of Oakland.

On request of Senator Gibson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Anne Ryan, Jere Snider and Mary Genshlea, of Sacramento and Pat Vandercreek of Chicago.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack Wilde, Elmer Lagorio, instructors, and the following students of the Civics Class from El Cerrito High School of El Cerrito: Sally Akers, Ray Bertotti, Larry Buchfeld, Zodia Mae Batten, Marilyn Clabaugh, Clarence Clark, Marion Crowninshield, Doug Dempster, Howard Detro, Clara Fiedler, Karen Hansen, Carole Holt, Nancy Howard, Alan Jelten, Michael LaGosh, Eugene Lawler, Frank Lewis, Jerry Meindersee, Roberta Miles, Ken Miller, Wilse Morgan, Mas Narasaki, George Nyquist, Eloise Ogden, Helen Raphael, Guy Raumer, Donna Reed, Beverly Richardson, Joan Spicer, Dorraine Thulin, Betty Vaughn, Grant Walker, Mike White, Jim Wong, Barbara Worsham, Maureen Young, Ragene Cash, Richard Garnero, Pat Fitzgibbon, Harry Hansen, Joy Jones, and Ruth Rentfro.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. John F. Shelley of San Francisco.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Norbert Baumgarten of Bakersfield.

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Barbara Johnston of Brawley and Beth Lou Lundy of San Jose.

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Henry T. Bailey of Calaveras Big Trees.

On request of Senator Weybret, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George Taylor of Salinas.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Roy M. Marks of Placerville.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack MacKenzie of Hollywood Park.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. F. Milani, Principal, Howard R. McCuiston and Florence Elliott, Instructors, and the following students of the Eighth Grade, Division 3, of West Park School at Tracy: Leslie Freitas, William Giffin, Ronald Joiner, Edmon Lindsey, William Lopez, Albert Marlow, Donald Metcalf, Marvin Miller, Thomas Mitchell, Dwayne Mohrman, Gene Moore, Jonilee Moss, Bobby Nunez, James Oswalt, Robert Paris, Jack Penland, Beryl Post, Donald Post, Gary Sullivan, Leonard Costa, Lorraine Andujo, Sally Hazelbauer, Alene Hintz, Dorothy Lee, LaVerne McBride, Dorothy McKasson, Shirley Mellelo, Norma Miller, Bernadine Minges, Joan Mohrman, Rosa Moreno, Arlene Nickerson, Dolores Noyer, Betty Ottenstroer, Delores Perry, Evangeline Pikounis, and Arlene Pummill.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. Halligan, Instructor, and the following students of the Eighth Grade, Division 4, of West Park School at Tracy: Gilbert Osorno, Lionel Parriera, Leslie Serpa, Stanley Simpson, Louie Smith, Bob Swanfeldt, Richard Steen, Harry Toepfer, Louie Villalovas, Garry Williams, Jerry Williams, Allan Young, George Wilson, James Rosenberg, Mike Salas, Leon May, Carmelita Mallory, Alice Nigg, Anita Nunez, Helen Selna, Dolly Silva, Zelma Simas, Arlene Simonich, Mae Joan Shupe, Wanda Smith, Marjorie Strong, Patsy Van Art, Bernice Van Erp, Sylvia Vierra, Ditto Williamson, Margo Woodward, Joyce Wubben, Beverlee Madruga, and Wanda Plummer.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Kenneth H. Easter, Principal, and the following students of Dos Palos High School of Dos Palos: Jean Angle, Doris Arancibia, Walter Abbott, Blanche Adams, Jackie Azevedo, Robert Belmont, Wanda Bartlett, Evelyn Black, Bonnie Burke, Dean Barrett, Pete Bucher, Wanda Cooke, Verna

Crowe, Virginia Coyle, Wanda Cox, Darlene Dietz, Bernice Espinoza, Joyce Farnham, Beverly Flarity, Richard Floccchini, Albert Fountain, Linda Franklin, Kenneth Ferrell, Norma Foster, Dolores Gragnani, Delpha Green, Joe Gamboni, Pat Goforth, W. L. Goodman, Roberta Habert, Barbara Holly, Shirley Howard, James Hurd, Evelyn Hooten, Jack Howard, Lois Howard, James Jorgensen, Ray Knight, William Kuykendall, Lavada Lawson, Otis Loring, Margaret McCaleb, Jackie McCracken, Bill Maxwell, June Meissner, Alice Mello, Charlotte Nommensen, Gloria Paganucci, Ben Perry, Alfred Peterson, Evelyn Redding, Margie Regallo, David Robideaux, Robert Renfro, Alma Jean Scott, Bill Spain, Paula Sandoval, Alice Snyder, Joann Townsend, Louise Villaneuva, Virginia Ware, Donald Warnes, Ronald Wood, Jonelda Weathers, and Jean Wirth.

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Delmer B. Marshall, District Superintendent, and the following eighth grade students of the Davis Joint Elementary School at Davis: Cherill Becker, John Briggs, Ann Brooks, Deborah Brooks, Walter Brown, Lindsay Cameron, Benita Castanon, Lura Jo Doneen, Elizabeth Eklund, Sandra Fentzling, Sam Fimby, Edna Floyd, Ynez Galindo, George Gordon, Margaret Gordon, Grace Gutierrez, Richard Hansen, Connie Hernandez, Joe Hom, Judy Hultman, Fred Jones, Sue Johnston, David Kearney, Douglass Koenitzer, Ardath Lilleland, Robert Lucas, Wilma Lucas, Barbara McKown, Tommy Malcom, Francis Meyer, Mary Louise Millar, Petra Ramirez, Peggy Reiber, Alice Smalley, Sam Statler, Sid Sutherland, Bette Triebisch, Lester Verozza, Harold Villanueva, Frederic Walker, Richard Walther, Kenneth Whitehead, Jim Wilson, Jack Wolfenden, and Carla Wulff.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lillian Warren, Mrs. Iva Venable, Instructors, and the following Eighth Grade students of Ceres Elementary School at Ceres: Adeline Pires, Allan Williams, Alice Davis, Ben Cogburn, Betty Burmaster, Betty Ruth Chandler, Robert Floyd, George Norwood, Charles Reynolds, Cora Lu Triplett, Barbara Fisher, Dianne Koshell, Dolores Reis, Donald Davis, Edith Burnett, Flora Bryan, Frank Malone, Hazel Davis, Helen Shimek, Janie Stow, Jenny Lee Jones, John McGehee, June McCarter, Jack Wilson, Jeannette Pierce, Lela Peyton, Marilyn Lamb, Marjorie McKnight, Martha Thompson, Mary Lou Krepela, Mitsie Murata, Myron Anderson, Norman Fuller, Paul Jenkins, Raymond Spillman, Robert Long, Shelley McCarter, Sidney Long, Valerie Lichty, Willa Lee Graham, Clara Nunes, Samalee Jaco, Don Hallford, Betty Robison, Esther Parker, Patsy Pearson, Wayne Brawley, Leon Holly, Shirley Zirkle, Josephine McDonald, Wanda Bandy, Floyd Boehme, Bobby Bowen, Carolyn Bowers, Adeline Brogdon, Jimmie Burgett, June Carlton, Andrew Chipponeri, Billy Faunter, Betty Foshee, Donna Fox, Patsy Green, Don Hale, Gary Kalteich, Harold Kub, Joy Ladusau, Elvis Lane, Kenneth Leuenhagen, Pete Lovett, Robert Lynd, Leroy McNutt, Charlene Miller, Billy Mulligan, Eugene Myatt, Twyla Nichols, Alvin Pires, Bob Robinson, Billy Sargent, Betty Sneed, Shirley Sneed, Janet

Stephens, Wilma Stewart, Billy Stone, Raymond Strong, Barbara Wallace, Leslie Watts, William Welborn, Delbert Willard, Jaunita Wyatt, Johanna Mineni, Thorai Kenner, and John Hensley and Carl Barban, bus drivers.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Lockhart, Teacher, and the following students of Geyserville Union High School of Geyserville: Delores Conn, Luella Shenkenberger, Tommy Lombardi, Jerry Rose, Jack Jarman, Clarence Dans, and Bill Carroll.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Christensen, Principal; Jim Vogt, Vice Principal; Bill Beedie, Trustee; Mrs. Christensen, Mrs. W. Bronner, Doris Petty, and Mrs. Vogt, Instructors, and the following students of the Healdsburg High School of Healdsburg: Ira Anthony, Jackie Ahey, Albert Azevedo, Alfreda Bartlett, Barbara Barford, Bill Beedie, Carl Bynum, Bill Calhoun, Jackie Corrigan, Carole Dalton, Jerry Decker, Hellen Fistolera, Clinton Folger, Margie Forsythe, Bob Frost, Ted Gibbs, Dave Gilbert, Arnold Goldberg, Bill Grant, Allan Grist, Eulalia Grove, Elva Harmon, Janet Hayes, Merle Henry, Jennie Pearl Hicks, Tom Hodges, Virginia Honor, Melinda House, Richard Jacobsen, Jim Jennings, Diana Kent, Dick Kruckman, Jim LeBaron, Dave Manley, Laura Marsala, Bob Martin, Nancy McNear, Virginia Meese, James Moore, Shirley Morehouse, Charles Morse, Allen Navarro, Royce Nedeleft, Florence Niguma, Bette Otten, Dick Patteson, Gloria Pedroncelli, James Pierce, Roger Pierce, Helen Pirinoli, Eugene Ricci, Schyler Richardson, Marian Ried, Linda Rodello, Clarence Rose, Russ Ruonavaara, Jeanette Scharer, Aldo Simoni, Irene Smith, Stanley Smith, Harold Loveless, Georgia Smithers, Jack St. Martin, Ed Squibb, Doris Vallier, Mona Van Patten, Keith Walker, Ronnie Walters, Barbara Wasson, Wallace Wood, Howard Young, and R. L. Ziegenfuss.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Constitutional Amendment No. 1

Senate Constitutional Amendment No. 5

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 23, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 190

Senate Bill No. 215

Senate Bill No. 216

Senate Bill No. 736

Senate Bill No. 754

Senate Bill No. 874

Senate Bill No. 1358

Senate Bill No. 1496

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 23, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 659

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which was referred:
Senate Bill No. 892

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 4.

HATFIELD, Chairman

Above reported bill ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, March 23, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Senate Bill No. 71

Senate Bill No. 582

Senate Bill No. 223

Assembly Bill No. 1314

Senate Bill No. 257

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 13.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 23, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Senate Bill No. 1135

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 12; noes 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 23, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Assembly Bill No. 1574

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 10; noes 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 23, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Senate Bill No. 893

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 13.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, March 23, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which was referred:

Senate Bill No. 1283

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 23, 1949

Mr. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Senate Bill No. 371	Senate Bill No. 864
Senate Bill No. 627	Senate Bill No. 867
Senate Bill No. 712	Senate Bill No. 974
Senate Bill No. 859	Senate Bill No. 977
Senate Bill No. 861	Senate Bill No. 789
Senate Bill No. 862	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above reported bills ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 23, 1949

Mr. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 4	Senate Bill No. 321
Senate Bill No. 89	Senate Bill No. 324
Senate Bill No. 217	Senate Bill No. 1118

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 23, 1949

Mr. PRESIDENT: The Committee on Local Government, to which was referred: Senate Bill No. 198

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to have the Analysis and Report of the Legislative Auditor on the State Budget and Budget Bill for the Fiscal Year July 1, 1949, to June 30, 1950, printed in the Appendix of the Journal and 1,000 additional copies printed in 10-point type.

COMMUNICATIONS

The following communications were received and read, and on motion of Senator Hatfield, ordered printed in the Journal:

DIVISION OF FISH AND GAME

FERRY BUILDING, SAN FRANCISCO, January 25, 1949

Hon. George Hatfield

Chairman, Senate Committee, Fish and Game

State Capitol, Sacramento, Calif.

At a meeting before your committee on Tuesday, January 18th, Senator Judah requested that the committee be furnished with a report on the activities of the patrol vessels, particularly as they apply to ocean waters and bays; and, also the number, and type of sanctuaries which are closed to the use of certain types of nets.

Trawl nets (drag nets) may not be used in Districts 6, 7 and 10. These districts comprise the ocean waters of the State (three miles off shore), extending from Pigeon Point, San Mateo County, on the south, to the California-Oregon boundary. In District 17, comprising most of the waters of Monterey Bay, this type of net is prohibited in waters of less than twenty-five fathoms. The possession or use of these nets in Districts 19, 19-A, 20, 20-A and 21 (ocean waters from the Ventura-Santa Barbara County line to the Mexican boundary, including the Channel Islands), is prohibited.

Purse seines and round haul nets are prohibited in District 19-A (Santa Monica Bay), District 20 (about three-fourths of Catalina Island), District 118.5 (a two-mile strip of coastal water, along San Luis Obispo, Santa Barbara and Ventura Counties), and bays in District 18. In certain portions of other districts, the use of these nets is prohibited. Trolling for salmon is prohibited within three miles of the mouth of the Klamath River. The code further restricts the mesh size of certain nets, as well as bag limits and netting seasons.

The above is only a part of the enforcement problem for ocean patrol vessels. During the war, the entire patrol fleet of the Division of Fish and Game was taken over by the armed forces. We have recently completed, and put into service, an 83-foot Diesel-powered vessel, equipped with radar and radio communication systems. This vessel's home port is San Francisco; her patrol area, from Monterey to the Oregon line. Also, recently put into service in Southern California, are two 63-foot A.C.R. gasoline-powered vessels. These vessels are stationed at Terminal Island, patrolling the waters from Morro Bay to Mexico, including the Channel Islands; and, when called upon are capable of high speed. They will be equipped with radar, and radio communication. In addition to the above, we are operating small boats in inshore and bay patrol, stationed at the following points: San Diego, Catalina Island, San Pedro, Monterey and San Francisco. These vessels are from twenty-three to forty-five feet in length. Two 45-foot boats built in 1937, stationed in Southern California, are being sold. Two small 23-foot crafts cover the delta areas of the Sacramento and San Joaquin Rivers.

As stated above, the three larger vessels have just been placed in operation. Our experience with this equipment is too limited to determine whether or not this will be adequate coverage. Certainly, the North Coast from Monterey north, will receive much more patrol than in previous years. The 83-foot boat carries a crew of six, and is able to remain at sea for longer periods, having a 1,400-mile cruising range. The 63-foot crafts in Southern California are capable also of remaining at sea for longer periods than our vessels of the past. These boats carry a crew of four men.

No request has been made for additional ocean boats for the 1949-50 Fiscal Year, as experience alone will determine this factor before the next budgetary session of the Legislature in 1950.

Should your committee desire further elaboration of this matter, we shall be pleased to advise you.

L. F. CHAPPELL, Chief of Patrol

STATE OF CALIFORNIA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FISH AND GAME
SACRAMENTO, January 27, 1949

Senator George J. Hatfield
Senate Chamber, State Capitol Building
Sacramento 14, California

DEAR SENATOR HATFIELD: I am enclosing a list of the special deputies appointed under Section 21 of the Fish and Game Code. The bonded reserve wardens have all received courses of instruction on their duties and responsibilities and the other bonded deputies appointed are reliable individuals who have volunteered their services to aid our conservation efforts. The group of 158 who are not bonded include U. S. Forest Rangers, U. S. Fish and Wildlife employees, and state employees from other bureaus in the Division of Fish and Game.

The Fish and Game Protectors were appointed many years ago and are not bonded. These could more or less be termed honorary appointments and, in general, the recipients have not rendered any substantial service subsequent to their appointment, but usually were quite vociferous in complaints concerning violations prior to the time they possessed a badge. I should like to discuss this classification with you at your convenience.

Very truly yours,

E. L. MACAULAY, Executive Officer

BUREAU OF PATROL
Division of Fish and Game
Special Appointments

January 21, 1949

RESERVE WARDENS

Bonded

Land patrol, Los Angeles area.....	70
Marine patrol, Terminal Island area.....	12
Land patrol, Bakersfield	20
Total	102

SPECIAL DEPUTIES

Bonded

San Francisco area.....	15
Los Angeles area.....	13
Sacramento area	3
Fresno area	1
Total	32

Not Bonded

Forest rangers	50
Fish and Wildlife employees.....	72
Miscellaneous employees from other bureaus.....	36
Total	158

FISH AND GAME PROTECTORS

Not Bonded

Los Angeles area	268
San Francisco area	183
Sacramento area	59
Fresno area	32
Redding area	10
Total	552
Total nonsalaried badges	844

All receive Deputy of the Division of Fish and Game credentials, with exception of Fish and Game Protectors (samples attached).

State of California
Department of Natural Resources
DIVISION OF FISH AND GAME

[DATED]

By the authority conferred by law on the Fish and Game Commission

of County of
State of California, is hereby constituted and appointed a

DEPUTY
of the
DIVISION OF FISH AND GAME
Department of Natural Resources

*Said authority thus conferred authorizes him, the said
to make arrests for any and all violations of the fish and game laws of
this State and to prosecute, or cause the same to be prosecuted, as pro-
vided by law.*

.....
President of Fish and Game Commission

[ATTEST]
Executive Officer

State of California
Department of Natural Resources
DIVISION OF FISH AND GAME

Sacramento, 19.....

KNOW ALL TO WHOM THESE PRESENTS SHALL COME:

That

of County of
California, is hereby appointed a

Fish and Game Protector

*in and for the State of California, to serve at the pleasure of the Fish and
Game Commission.*

*This appointment is recognition of the interest and help of
..... in Fish and Game protection and management, and
said is authorized by law to make arrests for any*

and all violations of Fish and Game laws committed in his presence, and to cause the same to be prosecuted.

Badge No. -----

FISH AND GAME COMMISSION

By-----
Executive Officer

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 855—An act to amend Section 28113 of the Government Code, relating to compensation for public service in counties of the thirteenth class.

MOTION TO RE-REFER SENATE BILL NO. 855

Senator Williams moved that Senate Bill No. 855 be re-referred to Committee on Local Government.

Motion carried.

Senate Bill No. 797—An act to amend Sections 2141, 2142, 2319, 2426, and 2435 of the Business and Professions Code, relating to the practice of the healing arts and the regulation and licensing thereof.

MOTION TO RE-REFER SENATE BILL NO. 797

Senator Hugh M. Burns moved that Senate Bill No. 797 be re-referred to Committee on Business and Professions.

Motion carried.

Senate Bill No. 657—An act to repeal an act entitled "An act withdrawing certain state land from sale or lease and setting the same aside for the use and benefit of Indians," approved May 30, 1923.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Kraft, McBride, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 659—An act to amend Section 7410 of the Public Resources Code, relating to state lands, removing acreage limitations on purchases thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—Senator Drobish—1.

MOTION TO RECONSIDER

Senator Drobish moved to reconsider the vote whereby Senate Bill No. 659 was passed.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Drobish, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 659 was passed, was continued until the next legislative day.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 873—An act to amend Section 11791 of the Education Code, relating to textbooks for junior college students.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Desmond Presiding

At 2.06 p.m., Senator Earl D. Desmond of the Nineteenth District, presiding.

Senate Bill No. 1028—An act to add Section 2895.1 to the Education Code, relating to the annexation of school districts to union or joint union elementary school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—Senator Desmond—1.

MOTION TO RECONSIDER

Motion to reconsider the vote whereby Senate Bill No. 1028 was passed was made later in the proceedings of this day.

Senate Bill No. 1325—An act to amend Sections 12752 and 12754 of the Education Code, and to add Section 12752.1 to said code, relating to the revocation of credentials, life diplomas, documents, and certificates authorizing service in the public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 598—An act to add Article 5 to Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code and to amend

Section 3325 of said code, relating to institutions for the blind under the jurisdiction of the Department of Education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 666—An act to amend Section 6323 of the Public Resources Code, relating to the administration and control of swamp, overflowed, tide or submerged lands and structures thereon.

Bill read third time.

Motion to Amend

Senator Brown moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 19, of the printed bill as amended in Senate March 21, 1949, strike out "equal area or".

Amendment read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 215—An act to amend Section 1512 of the Elections Code, relating to voters' pamphlets.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Rich, Sutton, Swing, Tenney, Ward, Watson, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 70—An act to amend Sections 19626 and 19628 of the Business and Professions Code, Section 88 of the Agricultural Code, and Section 25903 of the Government Code, relating to the Fair and Exposition Fund and providing for the appropriation and expenditure of the second balance in said fund.

Bill read third time.

Motion to Amend

Senator Abshire moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 19626 and 19628", and insert "Section 19626".

Amendment No. 2

In lines 2 and 3 of the title of said bill, strike out "Section 88 of the Agricultural Code, and Section 25903 of the Government Code,".

Amendment No. 3

On page 1 of said bill, strike out line 3, and insert

"19626. The second balance of the fund is hereby allocated for expenditures without regard to fiscal years, as follows:

(a) Twenty-five percent (25%) for permanent improvements at, or support of, or purchase of land for, the California Polytechnic School; thirty-three percent (33%)

for permanent improvements at, or support of, the University of California; the remainder for permanent improvements upon the property of the State, citrus (including citrus fruit fairs and expositions as defined in Section 94 of the Agricultural Code and other citrus fruit fairs and expositions qualified to receive an allocation under subdivision (a) of Section 19624), county, or district agricultural associations for fair purposes, or the purchase of equipment for fair purposes, or the acquisition or purchase of real property, including costs of appraisal or other incidental costs, to be used as sites for such permanent improvements, in such amounts as may be approved by the State Public Works Board and may be allocated by the Director of Finance at his discretion."

Amendment No. 4

On page 1 of said bill, strike out lines 4 to 24, inclusive, and strike out all of pages 2 and 3.

Amendments read, and adopted.

Motion to Print Senate Bill No. 70 and Refer to Inactive File

Senator Abshire moved that Senate Bill No. 70 be printed and placed on the inactive file.

Motion carried.

Senate Bill No. 216—An act to add Section 1509.5 to the Elections Code, relating to ballot pamphlets.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Swing, Tenney, Ward, Watson, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 754—An act to amend Sections 9704 and 9705 of the Elections Code, relating to the general municipal election in cities of the fifth and sixth classes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Swing, Tenney, Ward, Watson, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 874—An act to repeal Section 52 of, and to add Section 52 to, the County Water District Act, relating to inclusion of lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Swing, Tenney, Watson, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 736—An act to amend Sections 1195, 1196, and 1197 of the Military and Veterans Code, relating to officers of memorial districts and their election.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Swing, Ward, Watson, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 7—Relative to memorializing the Congress of the United States to enact legislation relating to the disposal of temporary war housing.

Resolution read.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments :

Amendment No. 1

In line 3 of the title of the printed bill, strike out "war".

Amendment No. 2

On page 1, line 12, of said bill, strike out "temporary war housing and".

Amendment No. 3

On page 1, line 14, of said bill, after "needed", insert ", and many existing units of said temporary housing are still serviceable and will be serviceable for several years in the future".

Amendment No. 4

On page 1 of said bill, strike out lines 18 to 28, inclusive, and insert "WHEREAS, Thousand of deserving war veterans and their families will be made homeless unless the Congress acts to extend such removal date; now therefore, be it *Resolved by the Senate and Assembly of the State of California, jointly.* That the Congress of the United States be memorialized to amend Section 313 of the Latham Act to extend the removal date with respect to temporary veterans' housing from January 1, 1950 to January 31, 1951; and be it further".

Amendments read and adopted.

Resolution ordered printed, re-engrossed, and to third reading.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Rich moved that Senate Constitutional Amendment No. 1 be placed on the inactive file.

Motion carried.

Senate Bill No. 35—An act to repeal Chapter 3 of Division 12 of the Education Code, consisting of Sections 24351 to 24355, inclusive, relating to the California State Historical Association.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 823

Senator Sutton moved that Senate Bill No. 823 be withdrawn from Committee on Water Resources for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 823—An act to amend Section 31 of the State Water Resources Act of 1945, relating to the construction of a multiple purpose dam in the vicinity of Table Mountain.

Bill read second time.

Motion to Amend

Senator Sutton moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 13, of the printed bill, strike out "except as hereinafter provided."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1175

Senator Sutton moved that Senate Bill No. 1175 be withdrawn from Committee on Judiciary for purpose of amendment, and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1175—An act to amend Section 195 of the Penal Code, relating to excusable homicide.

Bill read second time.

Motion to Amend

Senator Sutton moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "animal or", and insert "animate being or inanimate".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1640

Senator Cunningham moved that Assembly Bill No. 1640 be withdrawn from Committee on Local Government and referred to Committee on Agriculture.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 218

Senator Brown moved that Senate Bill No. 218 be withdrawn from Committee on Business and Professions for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 218—An act to amend Sections 8909, 8916, 8920, 8937, 8938, 8968, 8970, 8971, and 8975 of, to repeal Sections 8954, 8955, and 8974 of, and to add Sections 8938.1, 8938.2, 8942, 8954, 8955, 8971.5, and 8972.1 to the Business and Professions Code, relating to the regulation of yacht and ship brokers and salesmen.

Bill read second time.

Motion to Amend

Senator Brown moved the adoption of the following amendments:

Amendment No. 1

On line 3 of the title of the printed bill, after "8942," insert "8943,".

Amendment No. 2

On page 2, line 38, of said bill, strike out "license", and insert "broker's license or renewal thereof".

Amendment No. 3

On page 2, of said bill, after line 51, insert

"SEC. 9. Section 8943 is added to said code, to read:

8943. Upon the issuance of a license, a pocket card of such size, design, and content as may be determined by the commissioner shall be issued without charge to each licensee, if an individual, or if the licensee is a person other than an individual, to its manager and to each of its officers, directors, members, and partners, which card shall be evidence that the licensee is duly licensed pursuant to this chapter. When any person to whom a card is issued terminates his position, office or association with the licensee, the card shall be surrendered to the licensee and within five days thereafter shall be mailed or delivered by the licensee to the commissioner for cancellation."

Amendment No. 4

On page 3, line 1, of said bill, after "SEC.", strike out "9", and insert "10".

Amendment No. 5

On page 3, line 2, of said bill, strike out "10", and insert "11".

Amendment No. 6

On page 3, line 30, of said bill, strike out "or solicits".

Amendment No. 7

On page 3, line 35, of said bill, strike out "11", and insert "12".

Amendment No. 8

On page 4, line 1, of said bill, strike out "12", and insert "13".

Amendment No. 9

On page 4, line 7, of said bill, strike out "13", and insert "14".

Amendment No. 10

On page 5, line 1, of said bill, strike out "14", and insert "15".

Amendment No. 11

On page 5, line 48, of said bill, strike out "15", and insert "16".

Amendment No. 12

On page 6, line 9, of said bill, strike out "16", and insert "17".

Amendment No. 13

On page 6, line 17, of said bill, strike out "17", and insert "18".

Amendment No. 14

On page 6, line 18, of said bill, strike out "18", and insert "19".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1177

Senator Collier moved that Senate Bill No. 1177 be withdrawn from Committee on Transportation for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1177--An act to amend Section 419, to repeal Sections 420, 420.1, 420.2, 420.3, 420.4, 420.5, 420.6, 420.7, 420.8, and 420.9, and to add Sections 420, 421, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 423, 423.1, and 423.2 of the Vehicle Code, relating to financial responsibility, and declaring the urgency thereof.

Bill read second time.

Motion to Amend

Senator Collier moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, in line 6, strike out "in which damage", and strike out all of lines 7 to 21, inclusive, and insert "which accident has resulted in damage to the property of any one person in excess of one hundred dollars (\$100) or in personal injury in any degree or in the death of any person shall within five days after such accident report the accident on a form approved by the department to the office of the department at Sacramento, subject to the following provisions. A person driving a vehicle as an employee at the time of an accident shall within five days report the accident to his employer and, in such event, the employer may at his option make the report to the department within a period of fifteen days after the accident. Whenever an employer by general rule, regulation or otherwise has informed the employee of the employer's election to make such report, the employee shall not make a report of such accident to the department."

Amendment No. 2

On page 2 of said bill, as amended, at the beginning of line 1 before the word "If", insert "(b)".

Amendment No. 3

On page 2 of said bill, as amended, in line 8, strike out "(b)", and insert "(c)".

Amendment No. 4

On page 2 of said bill, as amended, in line 12, strike out "(c)", and insert "(d)".

Amendment No. 5

On page 3 of said bill, as amended, in line 7, strike out "Sections 423.1 and", and strike out line 8, and insert

"423.1. The State Controller shall draw his warrant on the State Treasurer for the refund of any portion of a security deposit as ordered by the department under this subsection."

Amendment No. 6

On page 3 of said bill, as amended, in line 10, after the word "failed", insert "within fifty days after an accident".

Amendment No. 7

On page 3 of said bill, as amended, strike out all of lines 34 to 40, inclusive, and insert

"(c) Whenever the department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information, or by reason of having received no information, then upon receiving correct information the department shall take appropriate action to carry out the purposes and effect of this chapter."

Amendment No. 8

On page 3 of said bill, as amended, in line 46, strike out "within fifty days after the accident".

Amendment No. 9

On page 4 of said bill, as amended, in line 31 after the word "accident", insert "A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this chapter."

Amendment No. 10

On page 5 of said bill, as amended, in line 23, after the words "such judgment", insert "has become final and has not been stayed or satisfied".

Amendment No. 11

On page 5 of said bill, as amended, at the end of line 37, insert "Any such policy or bond shall meet the requirements of Section 422.6".

Amendment No. 12

On page 5 of said bill, as amended, in line 43, strike out "subdivision (d)", and insert "Section 422.6".

Amendment No. 13

On page 5 of said bill, as amended, in line 48, strike out "subdivision (d)", and insert "Section 422.6".

Amendment No. 14

On page 5 of said bill, as amended, strike out all of lines 49 to 52, inclusive, and on page 6, strike out all of lines 1 to 19, inclusive, and insert

"SEC. 11. Section 422.6 is added to the Vehicle Code, to read:

422.6. Requirements as to Policy or Bond. (a) No policy or bond shall be effective under Section 422.5 unless issued by an insurance company or surety company authorized to do business in this State, except as provided in subdivision (b) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than five thousand dollars (\$5,000) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than ten thousand dollars (\$10,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to, or destruction of property, to a limit of not less than one thousand dollars (\$1,000) because of injury to or destruction of property of others in any one accident.

(b) No policy or bond shall be effective under Section 422.5 with respect to any vehicle which was not registered in this State or was a vehicle which was registered elsewhere than in this State at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this state, or if said company is not authorized to do business in this State, unless it shall execute a power of attorney authorizing the department to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident."

Amendment No. 15

On page 6 of said bill, as amended, in line 20, strike out "(e)", and insert "(c)".

Amendment No. 16

On page 6 of said bill, as amended, in line 25, strike out "SEC. 11", and insert "SEC. 12".

Amendment No. 17

On page 6 of said bill, as amended, in line 27, after the word "Custody", insert "and Disposition".

Amendment No. 18

On page 6 of said bill, as amended, strike out all of lines 39 to 52, inclusive, and on page 7, strike out all of lines 1 to 15, inclusive.

Amendment No. 19

On page 7 of said bill, as amended, in line 16, strike out "(3)", and insert "(c)".

Amendment No. 20

On page 7 of said bill, as amended, in line 19, following the word "Section", strike out "422.3", and insert "423.1".

Amendment No. 21

On page 7 of said bill, as amended, in line 21, strike out "423.2", and insert "423.1".

Amendment No. 22

On page 8 of said bill, as amended, in line 3, strike out "It is further", and strike out all of lines 4 to 7, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Request for Unanimous Consent

Senator Collier asked for, and was granted, unanimous consent to have Senate Bill No. 1177 sent to print with a rush order.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill No. 1591—An act to amend Section 7437 of the Education Code, relating to the sale of school district bonds.

Bill read third time, and presented by Senator Dilworth.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

President of the Senate Presiding

At 3.04 p.m., Hon. Harold J. Powers, President of the Senate, presiding.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator O'Gara:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 23, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to declare an emergency in respect to the renting of housing accommodations, to regulate, control, and stabilize rents, and to regulate the eviction of tenants of housing accommodations, declaring the urgency thereof, to take effect immediately.

Respectfully submitted,

SENATOR GERALD J. O'GARA

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 23, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Judiciary.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—33.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1612: By Senator O'Gara—An act to declare an emergency in respect to the renting of housing accommodations, to regulate, control, and stabilize rents, and to regulate the eviction of tenants of housing accommodations, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 1214

Senator Collier moved that Senate Bill No. 1214 be withdrawn from Committee on Local Government and referred to Committee on Transportation.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 486

Senator Desmond moved that Senate Bill No. 486 be withdrawn from Committee on Governmental Efficiency and referred to Committee on Education.

Motion carried.

MOTION TO RECONSIDER

Senator Desmond moved to reconsider the vote whereby Senate Bill No. 1028 was passed.

Postponement of Reconsideration

On motion of Senator Desmond, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1028 was passed, was continued until the next legislative day.

MOTION TO RECONSIDER

Senator Jespersen moved that the motion by Senator Desmond to reconsider the vote whereby Senate Bill No. 1028 was passed, be taken up at this time for consideration.

Motion carried.

**Consideration of the Motion by Senator Desmond to Reconsider the Vote
Whereby Senate Bill No. 1028 Was Passed**

The roll was called and Senate Bill No. 1028 was reconsidered by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

MOTION TO PLACE SENATE BILL NO. 1028 ON THIRD READING FILE

Senator Desmond moved that Senate Bill No. 1028 be placed on Third Reading File.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1171

Senator Collier moved that Senate Bill No. 1171 be withdrawn from Committee on Revenue and Taxation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1171—An act to amend Section 3494 of the Revenue and Taxation Code, relating to the disposition of tax delinquent property.

Bill read second time.

Motion to Amend

Senator Collier moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 3494", and insert "repeal Chapter 3.3 of Article 1, Division 1, Part 6, comprising Sections 3490 to 3494, inclusive."

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 10, and insert "SECTION 1. Chapter 3.3 of Article 1, Division 1, Part 6, comprising Sections 3490 to 3494, inclusive, of the Revenue and Taxation Code, is hereby repealed."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to have the following Partial Report of the Fact-Finding Committee on Un-American Activities printed in the Journal:

March 23, 1949

Partial Report

**CALIFORNIA SENATE FACT-FINDING COMMITTEE
ON UN-AMERICAN ACTIVITIES**

Partial Report to the Senate on: The Cultural and Scientific Conference for World Peace

On March 25th, 26th, and 27th, at the Waldorf-Astoria Hotel, in New York City, there will be held a so-called Cultural and Scientific Conference for World Peace.

The conference is sponsored by one of the important Communist-front organizations in this Country, the Arts, Sciences and Professions Council, headed by Dr. Harlow Shapley, director of the Harvard College observatory, and the chairman of the conference.

Reports to this committee and information available in the committee's extensive files establish beyond any question that this is an international Communist-front activity, growing out of a Communist sponsored Congress of Intellectuals, held in Poland, in August, 1948.

The state department has granted visas to a number of notorious world Communists to attend this Communist affair, including the composer, Dmitri Shostakovich, and the vicious anti-American propagandist, A. A. Fadayev, secretary of the Union of Soviet Writers.

The state department has served public notice that the New York conference should be watched closely for pro-Soviet and anti-American propaganda; and in some instances it has denied visas to international Communist figures, who desired to attend.

Emboldened by their initial publicity and to bolster the Communist cause in California, this Communist front, Arts, Sciences and Professions Council, now announce that the visiting Moscow propagandists and a number of the American potential traitors will come to Los Angeles to stage a second propaganda show on behalf of the Kremlin on April 16th-20th.

The California agitation is headed by Dr. Linus Pauling, director of the Crellin and Gates Laboratory, at Cal. Tech., Pasadena.

As is customary with Communist-front activities, the names of many prominent individuals have been publicized by this Communist front as sponsoring the events. Your committee is informed that many persons have had their names used without permission and that others who were deceived into sponsoring the affairs are withdrawing upon learning the truth about it. The committee, therefore, withholds publication of a list of sponsors pending determination of the accuracy of the Communist front's version of who is sponsoring the events.

Your committee finds that Dr. Harlow Shapley and Dr. Linus Pauling have long and notorious records, carefully and substantially documented in the committee's files as speakers, sponsors, officers, donors, participants and signers of Communist petitions, in a number of Communist fronts and causes.

Your committee also finds that the Arts, Sciences and Professions Council is a basic Communist front, with a long record of succession from other Communist fronts.

The council was formed in the summer of 1948 as a split-off from the Progressive Citizens of America, which at that time dissolved and merged into the Communist created and controlled Independent Progressive Party, the Henry Wallace third party movement.

Progressive Citizens of America, in turn, was the product of a merger in Chicago, September 28 and 29, 1946, of the Independent Citizens Committee of the Arts, Sciences and Professions and the National Citizens Political Action Committee, both of which have been cited by this committee as Communist fronts and the citations documented in detail in the committee's 1947 and 1948 Reports.

In California, Hollywood Independent Citizens Committee of the Arts, Sciences and Professions, the western unit of ICCASP, was in turn successor in a series of Marxist-Leninist-Stalinist reversals of policy and change of name that consistently followed the Moscow Communist line of the moment, to the Hollywood Democratic Committee, the Hollywood Anti-Nazi League, the Hollywood League for Democratic Action and the Hollywood Motion Picture Democratic Committee, all of which have been cited by this committee as Communist fronts, and the facts completely and carefully documented.

This series of Communist fronts followed the Communist line with meticulous and subservient precision through the 1935 to 1939 Communist line of a "united front from below against Fascism" into the August, 1939 to June, 1941 antipreparedness line during the period of the Hitler-Stalin Pact; made the switch to all out "people's war" policies as ordered by Moscow when the Kremlin was attacked; and finally switched again to the "united front against the U. S." which was ordained by the Comintern from Moscow in 1945.

This is the organization (Independent Citizens Committee of the Arts, Sciences and Professions) which provided the backbone and finances for the famous so-called "Patterson slate," which ran during the Hitler-Stalin Pact in the 1940 California Democratic primary election against President Franklin D. Roosevelt on the slogan: "No Arms, No Aid, to Britain and France—Down with Imperialist War"; and which denounced President Roosevelt as an imperialist war-monger.

Members of this slate were: Ellis E. Patterson, who headed it, Carey McWilliams; Philip M. Connelly, the notorious Communist official of the Los Angeles Committee of Industrial Organization Council; Frank Scully, Reuben W. Borough, long-time Communist frontier and former Los Angeles public works commissioner; and Herbert K. Sorrell, notorious Communist leader of the 1945-1947 bloody film studio strikes.

Other notorious Stalinists who have consistently followed the twists and turns of the Stalinist line in these fronts that led up to the present Arts, Sciences and Professions Council, are:

Dr. Murray Alowitz, Larry Adler, Mrs. Charlotta A. Bass, Alvah Bessie, Herbert Biberman, Edward Eberman, Lester Cole, Edward Dymally, Edward E. Elliott, Augustus Hawkins, Rose Hobart, Charles Katz, John Howard Lawson, Robert W. Kenny, Howard Koch, Raphael Kohnsberg, Albert Maltz, Samuel Ornitz, Dr. Harold Orr, Irving Pichel, Paul Robeson, Edward G. Robinson, Earl Robinson, Adrian Scott, Dalton Trumbo, and many others, all of whose names and records are cited in the committee's 1943, 1945, 1947, and 1948 reports.

The committee finds that the individuals now involved in the Arts, Sciences and Professions Council, have a long record of duplicity and betrayal of the interests of labor, minority and liberal groups, whom they attempt to speak for with typical Stalinist effrontery. Particularly callous was their betrayal of Jewish victims of Nazi persecution during the Hitler-Stalin pact.

The committee warns that organizations and individuals who would join hands with Hitler at the beck of a finger in Moscow cannot be trusted to speak on behalf of any American political, cultural or intellectual freedoms, and the committee predicts that this Communist front will brazenly refuse to permit any free speech or honest debate at any of its proceedings. The only purpose of these conferences is to provide a sounding board for Kremlin-inspired propaganda against the United States which is the defender of freedoms and liberties everywhere from murderous, brutal, totalitarian, anti-religious Communism.

Respectfully submitted,

JACK B. TENNEY
HUGH M. BURNS
FRED H. KRAFT
LOUIS G. SUTTON
CLYDE A. WATSON
NELSON S. DILWORTH

Senator Dilworth Presiding

At 3:09 p.m., Senator Nelson S. Dilworth of the Thirty-seventh District, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 63

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWBRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 63—Relative to congratulating Brigadier General C. Lyn Fox.

Request for Unanimous Consent

Senator O'Gara asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 63, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 63

Assembly Concurrent Resolution No. 63—Relative to congratulating Brigadier General C. Lyn Fox.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Michael J. Burns, Busch, Coombs, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Rich, Sutton, Swing, Ward, and Watson—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 86

Assembly Bill No. 556

Assembly Bill No. 642

Assembly Bill No. 193

Assembly Bill No. 1777

Assembly Bill No. 2298

Assembly Bill No. 2840

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 86—An act to amend Section 9300 of the Government Code, relating to the salaries of Members of the Legislature.
Referred to Committee on Governmental Efficiency.

Assembly Bill No. 556—An act adding Sections 32039, 32040, 32339, and 32340 to the Government Code, relating to retirement systems for peace officers, foresters, fire wardens, and county fire protection district firemen.

Referred to Committee on Local Government.

Assembly Bill No. 642—An act to add Section 1301.1 to the Education Code, relating to the employment of assistant and deputy superintendents of school districts.

Referred to Committee on Education.

Assembly Bill No. 193—An act to amend Sections 20452, 20481, and 20482 of the Education Code, relating to the granting of master degrees by state colleges.

Referred to Committee on Education.

Assembly Bill No. 1777—An act to amend the heading of Article 3 of Chapter 2 of Division 8 of, and to amend Section 16291 of, the Education Code, relating to the transportation of pupils.

Referred to Committee on Education.

Assembly Bill No. 2298—An act to add Section 5943 to the Education Code, relating to temporary transfers from county schools service fund.

Referred to Committee on Education.

Assembly Bill No. 2840—An act to amend Section 1 of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, and to amend Section 34112 of, and to add Sections 34112.5 and 34112.4 to, the Government Code, creating new classes of cities to be known as cities of the four and seven-eighths class and cities of the four and five-eighths class, and to provide for their organization, to take effect immediately.

Referred to Committee on Local Government.

REPORTS OF STANDING COMMITTEES

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which were referred:

Senate Bill No. 1136
Senate Bill No. 1183
Senate Bill No. 1162

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bills ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 305

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported bills ordered to second reading.

CONSIDERATION OF DAILY FILE (RESUMED)

SECOND READING OF SENATE BILLS

Senate Bill No. 75—An act to amend Section 381 of the Vehicle Code, relating to penalties for failure to renew licenses.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike "amend Section 381", and insert "add Section 381.1".

Amendment No. 2

On page 1, line 2, of said bill, strike out "381 of the Vehicle Code is amended", and insert "381.1 is hereby added to the Vehicle Code".

Amendment No. 3

On page 1 of said bill, strike out lines 8 to 29, inclusive, and insert "381.1. Notwithstanding the provisions of Section 381 of this code, the fee for renewal of an operator's or chauffeur's license shall be three dollars (\$3) unless application for such renewal is made within a period of thirty days subsequent to the expiration of the applicant's prior license."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 62—An act to amend Section 533 of the Vehicle Code, relating to school busses and the regulation of traffic in connection therewith.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 10, of the printed bill, strike out "but", and insert "and shall yield the right of way to school children crossing the highway, street, or road, and having so yielded".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 591—An act to amend Section 185 of the Streets and Highways Code, relating to the revolving fund of the Division of Highways.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 142—An act to amend the heading of Article 4 of Chapter 1 of Division 4, and Section 4126 of the Public Resources Code, relating to the closing of parks and forestry areas.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 143—An act to add Section 4006.5 to the Public Resources Code, relating to cooperative agreements for reforestation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 247—An act to amend Section 4011 of the Public Resources Code, relating to peace officers who enforce fire laws.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 248—An act to amend Section 4151 of the Public Resources Code, relating to camp fire permits.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 250—An act to amend Section 4167 of the Public Resources Code, relating to fire hazards in the vicinity of forest, brush, grass or grain covered land.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 691—An act to amend Section 5012.1 to the Public Resources Code, relating to public utility structures and easements across state park lands.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1117—An act to amend Section 4004 of the Public Resources Code, relating to state fire prevention and suppression.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1280—An act to revise Article 2, Chapter 1, Division 5 of the Public Resources Code, by repealing Sections 5020, 5021, 5022, and 5023 to authorize the appointment of an Historical Landmarks Advisory Committee and defining the powers and duties of said committee, the State Park Commission and the Director of Natural Resources with reference to historical buildings and landmarks.

Bill read second time.

Motion to Amend

Senator Breed moved the adoption of the following amendment:

Amendment No. 1

In line 3 of the title of the printed bill, as amended in Senate, March 16, 1949, after "5023", insert "of, and adding Sections 5020, 5021, 5022, and 5023 to, said code,".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1610—An act to provide for the sale of a parcel of land under the control of the State Park Commission.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 381—An act to amend Sections 7406, 10375, and 10453 and to repeal Section 10377 of the Health and Safety Code, relating to death certificates.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1130—An act to renumber the heading of Division 15 of the Health and Safety Code, relating to venereal disease.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 347—An act to amend Section 13143 of the Health and Safety Code, relating to preparation and adoption of fire safety regulations.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1 of the printed bill, after line 29, insert

"In preparing and adopting rules and regulations affecting public schools, the State Fire Marshal shall also secure the advice of the Department of Education. No rule or regulation adopted by the State Fire Marshal shall conflict with any rule, regulation, or standard lawfully adopted by the Division of Architecture of the Department of Public Works under Article 3 of Chapter 3 of Division 9 of the Education Code."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 31—An act to repeal Chapter 3, Part 2, Division 12, of the Health and Safety Code, and to add a new Article 9, Sections 9598 and 9607, both inclusive, to, and amend Section 9575 of Chapter 18, of, the Business and Professions Code, relating to the inspection of cleaning, dyeing or pressing establishments.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 2, line 21, of the printed bill, as amended, after "store", insert "spotting, sponging or pressing establishment,".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 133—An act to amend Section 19141 of the Government Code, relating to reinstatement of employees in the state civil service.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 28, of the printed bill, after the ",", following the word "term", insert "or by the Legislature".

Amendment No. 2

On page 2, line 16, of said bill, after the ",", following the word "shall", insert "or by the Legislature".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 330—An act to amend Sections 20017, 20021.5, 20023, 20025, 20060, 20203, 20208, 20333, 20335, 20393, 20461.5, 20532, 20563, 20580, 20583, 20630, 20654, 20655, 20656, 20750.1, 20750.2, 20750.3, 20750.4, 20867, 20894.1, 21029, 21032, 21033, 21250, 21251, 21257, 21257.1, 21258, 21295, 21364, 21366, and 21454 of the Government Code, to repeal Sections 20654.5, 20750, 21455, and Article 2.5, comprising Sections 21000 to 21002, inclusive, of Chapter 8 of Part 3 of Division 5 of Title 2 thereof, and to add Sections 20609.1, 20685, 20750.5, 21251.15, 21261, and 21262 thereto and Article 4, comprising Sections 21100 to 21103, inclusive, to Chapter 8 of Part 3 of Division 5 of Title 2 thereof, all relating to the State Employees' Retirement System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 10 of the title of the printed bill, strike out "21251.15, 21261,".

Amendment No. 2

In lines 10, 11, and 12 of the title of said bill, strike out "and Article 4, comprising Sections 21100 to 21103, inclusive, to Chapter 8 of Part 3 of Division 5 of Title 2 thereof".

Amendment No. 3

On page 3, line 33, of said bill, after the word "retirement", insert "after his retirement is effective and".

Amendment No. 4

On page 7, line 41, of said bill, before the word "an", insert "(1)".

Amendment No. 5

On page 7, line 44, of said bill, strike out ".", and insert ", and (2) an amount equal to additional interest which would have been credited to his account at the date of the election, had such contributions not been withdrawn, and (3) if he elects to re-deposit in other than one sum, interest on the unpaid balance of the amount payable to the Retirement Fund, beginning on the date of such election, at the rate of interest currently being used from time to time under the system."

Amendment No. 6

On page 10, line 20, of said bill, after the word "reinstated", insert ", at his option,".

Amendment No. 7

On page 11 of said bill, strike out lines 1 to 45, inclusive.

Amendment No. 8

On page 11, line 46, of said bill, strike out "SEC. 35", and insert "SEC. 34".

Amendment No. 9

On page 12, line 3, of said bill, strike out "SEC. 36", and insert "SEC. 35".

Amendment No. 10

On page 12 of said bill, strike out lines 8 to 25, inclusive.

Amendment No. 11

On page 12 of said bill, strike out "SEC. 38", and insert "SEC. 36".

Amendment No. 12

On page 12 of said bill, strike out "SEC. 39", and insert "SEC. 37".

Amendment No. 13

On page 12 of said bill, strike out "SEC. 40", and insert "SEC. 38".

Amendment No. 14

On page 13 of said bill, strike out lines 26 to 36, inclusive.

Amendment No. 15

On page 13 of said bill, strike out "SEC. 42", and insert "SEC. 39".

Amendment No. 16

On page 13, line 50, of said bill, strike out "SEC. 43", and insert "SEC. 40".

Amendment No. 17

On page 14, line 11, of said bill, strike out "SEC. 44", and insert "SEC. 41".

Amendment No. 18

On page 14, line 13, of said bill, after the word "to", insert "and derived from the same source as".

Amendment No. 19

On page 14, line 30, of said bill, strike out "SEC. 45", and insert "SEC. 42".

Amendment No. 20

On page 14 of said bill, strike out "SEC. 46", and insert "SEC. 43".

Amendment No. 21

On page 15, line 5, of said bill, strike out "SEC. 47", and insert "SEC. 44".

Amendment No. 22

On page 15, after line 5, of said bill, insert "SEC. 45. This act shall become effective on the first of the month next succeeding the ninetieth day after the adjournment of the 1949 Regular Session of the Legislature."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 671—An act to amend Section 18102 of the Government Code, relating to sick leave.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 6, of the printed bill, after the words "sick leave," insert "or his accumulated vacation after his accumulated sick leave becomes exhausted,".

Amendment No. 2

On page 1, line 11, of said bill, after the words "sick leave", insert "and vacation".

Amendment No. 3

On page 1, line 11, of said bill, strike out the word "eligible", and insert "entitled."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1209—An act to amend Section 4001 of the Government Code, relating to public work.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out lines 11 and 12, and insert "political subdivision or agency of the State, or a deputy or other person authorized by any such officer."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 517—An act making an additional appropriation for support of the Board of Administration of the State Employees' Retirement System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "for support of the"; strike out all of lines 2 and 3 of said title, and insert "to the Legislators' Retirement Fund."

Amendment No. 2

On page 1, line 1, of said bill, strike out "In addition to any other money available", and in line 2 of said bill, strike out "therefor the", and insert "The".

Amendment No. 3

On page 1, line 4, of said bill, strike out "for the support of the Board of Administration"; strike out all of lines 5 and 6, and in line 7, strike out "cient funds for administration of the".

Amendment No. 4

On page 1, line 8, of said bill, strike out "System", and insert "Fund".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 857—An act making an appropriation to the emergency fund specified in Item 278 of the Budget Act of 1949, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 14, of the printed bill, after "works," insert "roads, canals, ditches and flumes,".

Amendment No. 2

On page 1, line 15, of said bill, after "storm", insert ", storm".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 601—An act to add Sections 170, 171, and 172 to the Government Code, relating to the boundary of the State of California along the Pacific Coast and to the inland waters of California in coastal areas, giving greater precision thereto by declaring the lines thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1216—An act to amend Section 19390 of the Government Code, relating to the right of state employees entering the military service to be restored to their former position and civil service status upon termination of such military service.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1221—An act to amend Section 4300f of the Political Code, relating to jurors' fees.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1407—An act to provide for leasing additional facilities and service for the extension, maintenance and operation of the teletypewriter system of communication by the State Department of Justice and to make an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 2, of the printed bill, strike out "to be used under the direction and control of the State".

Amendment No. 2

On page 1, line 3, of said bill, strike out "Department of Justice".

Amendment No. 3

On page 1, line 4, of said bill, strike out "it", and insert "the State Department of Justice".

Amendment No. 4

On page 1, line 6, of said bill, strike out "-----", and insert "six hundred six".

Amendment No. 5

On page 1, line 6, of said bill, strike out "(\$-----)", and insert "(\$606.00)".

Amendment No. 6

On page 1, line 7, of said bill, strike out "the General Fund," and insert "any money in the State Treasury not otherwise appropriated".

Amendment No. 7

On page 1, line 7, of said bill, insert after the word "expended", "by the State Department of Justice".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1430—An act to repeal Articles 5 and 6 of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code and Section 480 of the Penal Code, as added by Chapter 333, Statutes of 1945, relating to the powers and duties of the Attorney General.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, after "Articles", insert "4".

Amendment No. 2

Strike out line 2 of the title of said bill, and insert "sion 3 of Title 2 of, and to add Section 12523 to, the Government Code; and to repeal Section 480".

Amendment No. 3

On page 1 of said bill, after line 8, insert

"SEC. 4. Article 4, consisting of Sections 12550 to 12553, inclusive, of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 5. Section 12523 is added to the Government Code, to read:

12523. In carrying out his duties as head of the Department of Justice the Attorney General may, from time to time, and as often as the occasion may require, call into conference the district attorneys and sheriffs of the several counties and the chiefs of police of the several municipalities of this State, or such of them as he may deem advisable."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 332—An act to amend Section 20981 of the Government Code, relating to the compulsory retirement age for state miscellaneous members, in connection with the State Employees' Retirement System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

Strike out lines 1, 2, 3 and 4 in the title of the printed bill, and insert

"An act to add Article 4, comprising Sections 21100 to 21103, inclusive, to Chapter 8 of Part 3 of Division 5 of Title 2 thereof, and to add Section 21251.15 and Section 21261 thereto, all relating to the State Employees' Retirement System".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 5, inclusive, and insert

"SECTION 1. Article 4, comprising Sections 21100 to 21103, inclusive, is added to Chapter 8 of Part 3 of Division 5 of Title 2 of the Government Code, to read:

Article 4. Reinstatement From Retirement

21100. A person who has been retired under this system for service at an age less than the age for compulsory retirement applicable to him, may be reinstated from retirement by the board as provided in this article, and thereafter may be employed by the State or by a contracting agency in accordance with the laws governing such service, in the same manner as a person who has not been so retired.

21101. After the expiration of two years from the effective date of his last retirement, the board may reinstate any such person from retirement upon (a) his application to the board for reinstatement; (b) the recommendation of the head of the state agency or the appointing power of the contracting agency proposing to employ him; (c) the determination of the board, based upon medical examination, that he is not incapacitated for the duties to be assigned to him; and (d) the determination of the board that his age at the date of application for reinstatement is at least six months less than the age of compulsory retirement for service applicable to members of the class or category in which it is proposed to employ him.

21102. When any person is reinstated from retirement under this article, his retirement allowance shall be canceled forthwith, and he shall become a member of this system as of the date of reinstatement. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at the date of reinstatement, not to exceed the amount of his accumulated contributions as it was at the date of retirement. His future rate of contributions and his retirement allowance upon subsequent retirement shall be determined in accordance with Chapter 5 and Chapter 9 of this part, respectively.

21103. A person who has been retired under this system for service or for disability shall not be employed thereafter by the State or by a contracting agency unless he has first been reinstated from retirement pursuant to this article or pursuant to Section 21029. The provisions of Section 20060 apply to any person employed in violation of this section, and the person and any public officer who knowingly employs or appoints him shall be jointly and severally liable to reimburse the State or the contracting agency, as the case may be, for any compensation paid to the person in violation of Section 20060.

SEC. 2. Section 21251.15 is added to said code, to read:

21251.15. For a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of Section 21251.1, and for a state miscellaneous member, reinstated from service retirement, the current service pension upon his service retirement subsequent to such reinstatement, shall be the sum of his current service pension as it was prior to his reinstatement, plus a current service pension calculated on the basis of service rendered after such reinstatement and in accordance with Section 21251.1. For such a member, reinstated from disability, the current service pension upon his service retirement after attaining age 59, or upon his disability retirement after attaining age 60, and subsequent to such reinstatement, shall be the sum of his disability pension based on current service as it was being paid prior to his reinstatement, plus a current service pension calculated on the basis of service rendered after such reinstatement and in accordance with Section 21251.1.

SEC. 3. Section 21261 is added to Article 2 of Chapter 9 of Part 3 of Division 5 of Title 2 of said code, to read:

21261. The prior service pension of any member reinstated from service retirement, upon his service retirement subsequent to reinstatement, shall be in the same amount as his prior service pension prior to his reinstatement. The prior service pension of any member reinstated from disability retirement, upon his service retirement after attaining age 59 and subsequent to such reinstatement, shall be in the same amount as his disability pension which was based on prior service as it was being paid prior to his reinstatement."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 29—An act to amend Sections 767 and 758 of the Political Code, relating to officers and employees of the Supreme Court and district courts of appeal, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "to amend Sections 767 and 758 of the Political Code".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 22, inclusive.

Amendment No. 3

On page 1, line 23, of said bill, strike out "SEC. 3.", and insert "SECTION 1."

Amendment No. 4

On page 2 of said bill, strike out lines 19 to 52, inclusive.

Amendment No. 5

On page 3 of said bill, strike out lines 1 to 10, inclusive.

Amendment No. 6

On page 3, line 11, of said bill, strike out "6", and insert "2".

Amendment No. 7

On page 3, line 34, of said bill, strike out "7", and insert "3".

Amendment No. 8

On page 4, line 6, of said bill, strike out "8", and insert "4".

Amendment No. 9

On page 4, line 9, of said bill, after "Item", insert "279".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 202—An act to amend Section 1530a of the Probate Code, relating to compromise of claim or demand by guardian.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "compromise of claim or demand by guardian", and insert "powers and duties of guardians".

Amendment No. 2

On page 1, line 5, of said bill, after "brought", insert "'by or".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 997—An act to add Section 532b to the Penal Code, relating to false personation, and providing penalties.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 4, of the printed bill, after "war", insert "in which the United States was engaged".

Amendment No. 2

On page 1, line 4, of said bill, after "with", insert "the soliciting of aid or".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1421—An act to amend Section 10337 of the Government Code, relating to the California Code Commission and legislative committees on revision of the law.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 244—An act to amend Section 70 of the Civil Code, relating to solemnization of marriages.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 380—An act to amend Section 754 of the Probate Code, relating to decedents' estates.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 384—An act to amend Section 390 of the Penal Code, relating to railway crossing warning.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 766—An act to add Section 1226 to the Government Code, and to repeal an act entitled "An act providing for the issuance of duplicate certificates, where certificates issued under authority of law have been lost or destroyed by conflagration or other public calamity," approved June 16, 1906, (Chapter 53 of the Statutes of the Extra Session of 1906), relating to the issuance of duplicate certificates.

and to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 998—An act to amend Sections 4573 and 4573.5 of, and to add Section 4573.6 to the Penal Code, relating to the bringing of narcotics, drugs, and alcoholic beverages into state and local prisons, and making possession of such articles within such institutions a felony.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1572—An act to amend Section 26826 of the Government Code, relating to the appearance of defendant, intervenor, respondent, correspondent, or adverse party.

Bill read second time, ordered engrossed, and to third reading.

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1c to Article IV thereof, relating to initiative measures.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Elections:

Amendment No. 1

On page 1 of the printed measure, strike out lines 16 and 17, and insert "two fiscal years."

Amendment read and adopted.

Motion to Print Senate Constitutional Amendment No. 2 and Refer to Inactive File

Senator Judah moved that Senate Constitutional Amendment No. 2 be printed and placed on the inactive file.

Motion carried.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 479—An act to amend Section 3423 of the Public Resources Code, relating to delinquent assessment and charges for the Petroleum and Gas Fund, Division of Oil and Gas, Department of Natural Resources.

Bill read second time, and ordered to third reading.

Assembly Bill No. 730—An act to add Section 135 to the Welfare and Institutions Code, relating to compensation of members of the board or committee appointed by the Director of the State Department of Social Welfare, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 4 of the title of the printed bill, after the word "Welfare," strike out the remainder of that line, and also line 5.

Amendment No. 2

On page 1, line 15, of said bill, strike out all of Sec. 2, which includes lines 15 to 24, inclusive.

Amendment No. 3

Strike out all of page 2 of said bill.

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Concurrent Resolution No. 52—Relative to adding Joint Rule No. 6.5 to the Joint Rules of the Senate and the Assembly regarding introduction of bills.

Resolution read second time, and ordered to third reading.

ADJOURNMENT

At 3.25 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Thursday, March 24, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-FIFTH LEGISLATIVE DAY

EIGHTY-FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, March 24, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Salsman, on motion of Senator Powers.

Senator Gibson, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. A. T. Soldane of Yreka.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Richard M. Moon, Principal; Elden Mahoney and Herman Dorion, teachers; Alvo Price, bus driver, and the following Eighth Grade students of the Waterford Elementary School of Waterford: Leonard Arnett, Wilma Bostic, Patsy Bradshaw, Elaine Breshears, Betty Brewer, Sina Campbell,

Jim Chileutt, Betty Choate, Orval Clapp, Rilla Clark, Lavon Colbert, Constance Couchman, Betty Daniel, Joann Eastburn, Evelyn Fagundes, James German, Minnie German, Donald Gidden, Robert Hartman, Jimmy Herrington, Daryl Howe, Joe King, Earl Kisling, Gene Lancaster, Earl Maddox, Evelyn Maestas, William McCloud, Arlene Mickle, Ethel Miller, Juanita Miller, Nanita Miller, Mary Monk, Cecil Parrish, Donald Parish, Lena Passalacqua, Wendell Price, Vada Price, Gwendolyn Reeves, Robert Riddle, Henry Roberts, Horace Rocha, Adolph Sauls, Peggy Sharp, Donald Shehan, Norma Switzer, Freda Vowell, Evelyn Whitmer, Bill Young, and Lois Beghtel.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Easley of Palm Springs and Kenneth Lichty of Indio.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hamad Al-Khalifah from Arabia, student of Stanford University.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Marston Campbell of Alameda County.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ardella B. Tibby and Henry W. McKay of Compton and Fred Bewley of Whittier.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clifford Day, Albert Nelson, Clifford Spiegle, Mrs. Elizabeth King, Mrs. Dale Ostrander, Mrs. Lloyd Cook, Mrs. Paul Stoner, Mrs. Charles Scott, Mrs. Ben Franklin, Mrs. R. Brownfield, Mrs. Ryland Goodspeed, and the following Eighth Grade students of the College Elementary School at Chico: Dan Cook, Bert Cornick, Donald Eldred, James Finley, Richard Frost, Leo Gallegos, Gene Gates, Sherman Gates, Tom King, James Lemert, Douglas Mann, James Morgan, Jr., Delbert Ostrander, George Pavcik, Boyd Pine, David Scott, Donald Spiker, Jack Vice, Billy Wells, Jerry Bohlander, Arlie Pederson, Kenneth Yeisley, Wanda Brown, Marjorie Brownfield, Gretchen Brunelle, Pearl Calhoon, Jane Carnegie, Alice Foren, Boo Goodspeed, Joanne Hill, Patricia King, Florence Loose, Shirley McClelland, Dalene Ostrander, Barbara Schaller, Marilyn Stoner, Nannette Swallow, and Linda Voss.

On request of Senator Hugh M. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. W. J. Todhunter, Mrs. Don Edwards, Mrs. Frank Hyatt Smith, Mrs. Sidney Brew, Mrs. James B. Daly, Mrs. Oren J. Sharp, Mrs. Ralph Johnson, Mrs. John Anderson, Mrs. George Pope, Mrs. F. P. Tondel, all of Fresno, and Mrs. Maude Howell of Reedley.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lloyd C. Blair, Principal; Mrs. Helen Coats, Mrs. Martha Boom, Mrs. Mary Stabler, Mrs. Dorothy Engelund and the following eighth grade students of the San Lorenzo School of San Lorenzo: Arthur Widener, Harold Johnson, Edward Slason, Edwin Smith, Kathy Hart, Loretta Kiltner, Ellen Beuman, Jeanne Dart, Joyce Parker, Reva Falvey, Bob Rebelin, Peter Gheglione, Joe Martin, Kenny Clair, George Silva, Carl Bowersmith,

Stanley Boone, Ronny Speer, Roberta Dorcey, Rita Black, Phyllis Wade, June Rebello, Joan Johnson, Shirley Rozario, Darrel Clement, Ronald Giacomo, Sharon Bernard, Eiko Kumagai, Robert Dexter, David Coats, Jimmie Stabler, and Michael Stabler.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. S. Beard, City Superintendent of Schools of Porterville.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Henry Fisher of San Francisco.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Harry Jordon of Lakeport.

On request of Senator Weybret, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Raup Miller of Palo Alto.

On request of Senator Regan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frederick C. Meekel, Chairman, Board of Supervisors, Trinity County of Junction City and Kenneth D. Brady, Supervisor, Trinity County of Weaverville.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Charles Niehouse of Los Angeles.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Markham Hopp of Alameda.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 40

Assembly Bill No. 243

Assembly Bill No. 372

Assembly Bill No. 607

Assembly Bill No. 1352

Assembly Bill No. 1744

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 40—An act to amend Sections 1500, 1501, and 1503 of the Welfare and Institutions Code, relating to needy children.

Referred to Committee on Social Welfare.

Assembly Bill No. 243—An act to amend Sections 31452 and 31595 of, and to add Sections 31601, 31602, 31603, 31604, 31605, 31606, and 31607 to, the Government Code, relating to county employees retirement systems, authorizing the investment of the funds of such systems in courthouses and other public buildings, and prescribing the limitations upon such investments, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

Assembly Bill No. 372—An act to add Chapter 7 to Division 8 of the Elections Code, relating to elections and providing for an alternative

and optional method of balloting and ascertaining the vote at elections and in precincts for which such method is adopted.

Referred to Committee on Elections.

Assembly Bill No. 607—An act to amend Sections 195, 196, and 197 of, and to repeal Section 195.5 of the Vehicle Code, relating to chattel mortgages on registered vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1352—An act to add Section 1752.8 to the Welfare and Institutions Code, relating to the custody, deposit, and investment of funds in the possession of the Director of the Youth Authority and belonging to persons committed to the Youth Authority and to the disposition of the increment thereof.

Referred to Committee on Social Welfare.

Assembly Bill No. 1744—An act to amend Sections 18023, 18024, 18025, and 18026, and to repeal Section 18027 of the Education Code, relating to the maintenance and repair of school district property.

Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 23, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1354

And reports the same correctly re-engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 23, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 142

Senate Bill No. 143

Senate Bill No. 244

Senate Bill No. 247

Senate Bill No. 248

Senate Bill No. 250

Senate Bill No. 380

Senate Bill No. 381

Senate Bill No. 384

Senate Bill No. 591

Senate Bill No. 601

Senate Bill No. 691

Senate Bill No. 766

Senate Bill No. 998

Senate Bill No. 1117

Senate Bill No. 1130

Senate Bill No. 1216

Senate Bill No. 1221

Senate Bill No. 1421

Senate Bill No. 1495

Senate Bill No. 1572

Senate Bill No. 1610

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 24, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 666

Senate Joint Resolution No. 7

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, March 22, 1949

MR. PRESIDENT: The Committee on Natural Resources, to which was referred:

Senate Bill No. 577

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

BROWN, Chairman

Above reported bill ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to have the following opinions of the Attorney General and the Legislative Counsel regarding the constitutionality of Senate Bill No. 1066 printed in the Journal:

Opinion of the Attorney General

DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL
LIBRARY AND COURTS BUILDING
SACRAMENTO, March 23, 1949

Hon. George J. Hatfield
Member of the Senate
State Capitol, Sacramento, California

DEAR SENATOR: In your letter of March 10, as supplemented by a further communication dated March 16th, you requested our views as to the constitutionality of Senate Bill 1066 (1949 Reg. Sess.) as amended in the Senate, March 16, 1949, relating to hot cargo and secondary boycotts.

The bill would replace Labor Code Sections 1131-1136, the former hot cargo law which was declared unconstitutional by the State Supreme Court in the case of *In re Blaney*, 30 Cal. 2d 643. We shall briefly summarize the contents of the bill. It proposes the addition of Sections 1131 to 1140 of the Labor Code. We shall refer to these provisions, not as they presently appear in the code, but as they appear in Senate Bill 1066.

Section 1131 constitutes a legislative finding that the extension of labor disputes beyond the immediate parties thereto is harmful to the economy of the State and that there is a *real, clear and present danger* that the activities prohibited by the bill will, unless restrained, substantially injure the peace, health, welfare and economy of the State.

Section 1132 defines "hot cargo" as follows:

"Hot Cargo. Any concerted refusal by employees in the course of their employment to receive, deliver, transport, use, handle or work on goods or products, which concerted refusal is pursuant to an express or implied agreement or understanding between such employees or between such employees and others, is against public policy and unlawful where the object of such concerted refusal is:

1. To cause their employer to cease or refrain from doing business with another employer because such other employer is a party to a labor dispute; or
2. To cause their employer to cease or refrain from receiving, delivering, transporting, using, handling or otherwise dealing with the goods or products of another employer because such other employer is a party to a labor dispute; or
3. To prevent another employer from receiving any goods or products of their employer because such other employer is a party to a labor dispute."

Section 1133 declares unlawful a secondary boycott, defined as a concerted cessation of work or a concerted refusal to report for work or to perform work under the same circumstances and for the same objectives enumerated in the "hot cargo" definition.

These two definitions overlap. The only distinction between "hot cargo" and "secondary boycott" is that in the former case there is a concerted refusal to handle or work on goods or products while in the latter case there is a concerted cessation of work. Most concerted cessations of work involve the refusal to handle or perform work on goods or products. Thus it is quite apparent that most cases of secondary boycott will fall within the definition of hot cargo, and that many, if not most, instances of hot cargo will also constitute secondary boycotts.

Section 1134 proscribes secondary picketing for the purpose of causing or carrying out hot cargo or secondary boycott, or which is performed pursuant to an express or implied understanding or agreement that some of the parties will engage in hot cargo or secondary boycott practices.

Section 1135 forbids any employer to refuse to handle commodities of or for another employer because of a dispute or agreement between such other employer and his employees or a labor organization.

Section 1136 forbids any act performed by or on behalf of a party to a hot cargo or secondary boycott agreement, or any combination or agreement for the purpose of causing hot cargo or secondary boycott.

Section 1137 provides relief against violations of the act by way of injunction and damages.

Section 1138 defines labor dispute to include not only controversies over terms and conditions of employment but also over labor representation or association, regardless whether the disputants stand in an employer-employee relationship and includes situations where there is an absence of agreement between employer and a particular labor organization, or a failure on the part of the employer to employ members of a particular labor organization. Section 1138 contains further definitions. "Employer" includes any self-employed person who has no employees. "Employee" means any

natural person who works for any person for compensation. "Picketing" means standing, walking or being near a place of business or employment for the purpose of informing persons concerning a labor dispute.

Section 1139 declares ineffective any provision of law which is inconsistent or in conflict with the bill.

Section 1140 is a separability clause, declaring that the invalidity of any portion of the law shall not affect the remainder.

Under these provisions the following types of labor activity appear to be made unlawful:

1. The secondary strike, i.e., a concerted refusal to work for Employer A because of a labor dispute in the establishment of Employer B.
2. Picketing, peaceful or otherwise, in aid of a secondary strike against A.
3. Picketing, peaceful or otherwise, to cause or force a secondary strike against A. (e.g., A labor dispute with Employer B, and the union pickets Employer A for the purpose of causing A's employees to cease work or to cease handling "hot" commodities.)
4. The concerted observance of picket lines at the place of one employer by the employees of another employer (e.g., A's truck drivers collectively refuse to deliver goods to B's plant, which is being picketed as the result of a labor dispute.)
5. Oral or printed publication by a party to a hot cargo or secondary boycott agreement in aid thereof.
6. The act of combining or agreeing to bring about "hot cargo" or "secondary boycott."

Secondary boycotts have long been held to be a permissible form of labor activity in California. (*Parkinson Co. v. Building Trades Council* (1908) 154 Cal. 581; *Pierce v. Stablen's Union* (1909) 156 Cal. 70; *Lisse v. Local Union* (1935) 2 Cal. 2d 312.) Within recent years the United States Supreme Court has established the rule that dissemination of information concerning labor disputes by means of peaceful picketing comes within the area of free discussion protected against state invasion by the Fourteenth Amendment. (*Senn v. Tile Layers Union*, (1937) 301 U. S. 468; *Thornhill v. Alabama* (1940) 310 U. S. 88; *Carlson v. California* (1940) 310 U. S. 106.)

The identification of peaceful picketing and boycotting with free speech has been established in California. (*McKay v. Retail Automobile Salesmen's Local Union* (1940) 16 Cal. 2d 311; *In re Porterfield* (1946) 28 Cal. 2d 91; *In re Blaney*, supra.)

The right to publicise the facts of a labor dispute is not dependent upon the existence of a controversy between the employer and his employees. The absence of a labor controversy at the picketed establishment does not enlarge the State's power to invade the constitutional rights expressed by peaceful picketing. (*A. F. L. v. Swing* (1940) 312 U. S. 321; *Steiner v. Long Beach Local* (1942) 19 Cal. 2d 676.) Constitutional protection has been accorded to peaceful picketing in aid of secondary boycotts. (*Bakery and Pastry Drivers v. Wohl* (1942) 315 U. S. 769; *In re Blaney*, supra; see also *Fortenbury v. Superior Court* (1940) 16 Cal. 2d 405.)

It has been recognized that the constitutional protection accorded to peaceful secondary picketing is not absolute. In *Carpenters and Joiners Union v. Ritter's Cafe* (1942) 315 U. S. 722, the cafe operator had let a building contract to a nonunion contractor. The carpenters union picketed the cafe which was a mile and a half distant from the construction job. The Texas courts enjoined the picketing as a violation of the state antitrust law. With four justices dissenting, the United States Supreme Court held that the injunction was proper. The decision was distinguished from the *Wohl* case in that here there was no "interdependence of economic interest" between the building dispute and the picketed restaurant business. Under these circumstances, the court held, Texas could draw a line confining the scope of unrestricted industrial warfare, without violating the essential attributes of free speech. The majority opinion states:

"The economic contest between employer and employee has never concerned merely the immediate disputants. The creation of such conflicting interests inevitably implicates the well-being of the community. Society has therefore been compelled to throw its weight into the contest. The law has undertaken to balance the effort of the employer to carry on his business free from the interference of others against the effort of labor to further its economic self-interest. And every intervention of government in this struggle has in some respect abridged the freedom of action of one or the other or both * * *

"We hold that the Constitution does not forbid Texas to draw the line which has been drawn here. To hold otherwise would be to transmute federal constitutional liberties into doctrinaire dogma. We must be mindful that 'the rights of employers and employees to conduct their economic affairs and to compete with others for a share in the products of industry are subject to modification or qualification in the interests of the society in which they exist. This is but one instance of the power of the state to set the limits of permissible contest open to industrial combatants.' *Thornhill v. Alabama*, 310 U. S. 88, 103-04."

According to the standard laid down by the majority of the Supreme Court in the *Ritter's Cafe* case the state may constitutionally enjoin peaceful secondary picketing where there is no "interdependence of economic interest" between the establishment where the primary dispute exists and the picketed establishment. It is interesting to note that the four judges who dissented in that case are still on the bench, while of the five-man majority, three are no longer members of the court. From a practical standpoint, the *Ritter's Cafe* case is now unreliable authority.

In connection with the rule of the *Ritter's Cafe* case it is important to bear in mind that Senate Bill 1066 prohibits secondary boycott and hot cargo regardless of the presence or absence of economic interdependence.

Another qualification upon the rights to picket or engage in other concerted action exists where the objective of the activity is not permissible under state law or public policy. (*James v. Marinship Corp.* (1944) 25 Cal. 2d 721; *Bautista v. Jones* (1944) 25 Cal. 2d 746.) Any such limitations by the state will be annulled, however, if they unreasonably interfere with labor's right to publicize the facts of a labor dispute. What will constitute an unreasonable interference is apparently left to the process of judicial exclusion and inclusion. The additional question remains as to what purposes or what means may be declared unlawful by the Legislature or the courts without violating the provisions of the Federal Constitution. (*James v. Marinship Corp.*, supra.)

The former hot cargo statute of California was invalidated in *In re Blaney*, supra, on the ground that it represented an unconstitutional invasion of the liberty to publicize a labor dispute by picketing, boycotting, etc. The court held that regardless of the State's power to restrict concerted labor activity to the area of the trade dispute proper, the statute in question "swept within its ambit" numerous activities which could not be constitutionally restrained. The court further stated that the provisions of the law were so intertwined that it was impossible to segregate those portions prohibiting economic pressure against third parties and those which restrained peaceful publication. There was no possibility of mechanical severance by excising the objectionable language. Further, since the statute was a restrictive one enforceable by injunction and contempt proceedings, it was regarded in the same light as a criminal statute; and since certain phases of it were invalid, the statute as a whole became void for uncertainty. Therefore, despite the severability clause, the entire statute was nullified.

In gauging the constitutionality of Senate Bill 1066 against the standards established by the courts, we first note the presence of a legislative preamble, setting forth the objectives of the law and containing a legislative finding that the prohibited activities constitute a real, clear, and present danger to the peace, health, welfare and economy of the State. The presence of a clear and present danger of substantive evils which the Legislature has the right to prevent, justifies what would otherwise be an unconstitutional infringement on the freedom of expression. Nevertheless, the "substantive evil must be extremely serious and the degree of imminence extremely high before utterances can be punished." (*Bridges v. California* (1941) 314 U.S. 252; *Danskin v. San Diego Unified School District* (1946) 28 Cal. 2d 536.)

In determining whether or not a clear and present danger exists, a declaration or finding by the Legislature is entitled to great weight. The courts will, however, exercise their own judgment. The expression of legislative preferences or beliefs cannot transform matters of public inconvenience or annoyance into substantive evils of sufficient weight to warrant the curtailment of liberty of expression. (*Bridges v. California*, supra.) Restrictions which do not bear a reasonable relation to the safety of the State violate the purpose of the Constitution. (*Horndon v. Lowry* (1947) 301 U.S. 242.)

Under the rule of the *Blaney* case, it is quite apparent that the provisions of Senate Bill 1066 prohibiting peaceful picketing, at least where the primary dispute is lawful and where there is economic interdependence between the primary dispute and the secondary labor activity, would be an invalid restraint on the freedom of expression, unless a clear and present danger to the welfare of the State justifies such a prohibition. The courts will give weight to the finding of a clear and present danger but will not be bound by it. Whether the courts will disagree with the Legislature's finding in this particular case, whether they will themselves find that the evil is not sufficiently acute and the imminence is not sufficiently high to justify the restrictions, is a manner which cannot be determined in advance of litigation. We cannot predict what the position of the courts will be. Therefore, we cannot express a categorical view as to the peaceful picketing aspect of the statute. All that can be said is that its validity is subject to doubt.

Let us assume that a final judicial determination would overthrow the legislative finding of a clear and present danger. Senate Bill 1066 would then be subject to most of the objections voiced by the court in the *Blaney* case. Under Section 1136, as added by the bill, a mere combination or agreement is made unlawful. As noted in the *Blaney* case (30 Cal. 2d at 650), should a group of employees or a union agree to publicize their dispute by radio or newspaper, and if that agreement or publicity results in persuading the employees of some other employer to withhold their services from their employer, the law will have been violated. Mere oral communication or

persuasion for the purpose of causing a secondary strike or hot cargo situation is prohibited. Peaceful secondary picketing is restrained, regardless of the presence or absence of economic interdependence between the picketed firm and that in which the labor dispute exists. Under these circumstances, we believe that if the courts disagree with the legislative finding of a clear and present danger, the entire law will be nullified. As in the *Blaney* case, the restrictions on peaceful publication and communication are so intertwined with the hot cargo and secondary boycott provisions, that the entire law would fall, despite the severability clause contained in Section 1140.

Senate Bill 1066 does more than restrain peaceful publication. The secondary boycott provision may be called into question as a violation of the Thirteenth Amendment to the Federal Constitution, which prohibits involuntary servitude. The right of persons, whether individually or in concert, to cease work is a constitutional right guaranteed by both the Thirteenth and Fourteenth Amendments. (*Charles Wolf Packing Co. v. United Industrial Relations* (1923) 262 U.S. 522; *Pollock v. Williams* (1944) 322 U.S. 4; see also *Southern California Iron and Steel Co. v. Amalgamated Association* (1921) 186 Cal. 604.)

Section 1133, the secondary boycott provision, directly prohibits concerted cessations of work under the circumstances therein set forth. Section 1136 forbids any combination or agreement, either among the employees of A or between the employees of A and B to engage in such a concerted cessation. Unless such a restriction may be justified by the clear and present danger rule or by the legislature's power to make certain labor objectives illegal, the restrictions on secondary strikes will be violative of the Thirteenth Amendment.

Several recent Federal Supreme Court decisions uphold state legislation banning the closed shop. (*Lincoln Federal Labor Union v. Northwestern Iron and Metal Co.* (1949) 93 L. Ed. (Adv.) 201; *A. F. L. v. American Sash & Door Co.* (1949) 93 L. Ed. (Adv.) 209.) The court decided that legislation prohibiting closed shop agreements did not in any way trench upon the constitutional freedoms of expression. In a concurring opinion in the *Sash & Door* case, Justice Rutledge noted that under the facts of the case the right to quit work was not involved, hence he was able to agree that the law could be upheld in this particular instance.

In *International Union v. Wisconsin Employment Relations Board*, decided February 28, 1949 (17 U.S.L.W. 4207) the Federal Supreme Court upheld a state decree which prohibited temporary work stoppages during business hours but expressly reserved to the employees the right to leave work for the purpose of going on strike. The court specifically noted that nothing in the state law prohibited the employees from abandoning work, individually or collectively.

These recent decisions emphasize the fact that the right to strike is constitutionally protected. Among the cases we can find no evidence that the clear and present danger rule will justify what would otherwise be a violation of the involuntary servitude provision of the Thirteenth Amendment. The secondary boycott provisions of Senate Bill 1066 will therefore possess less assurance of validity than the peaceful picketing prohibition.

It is true that labor activity may be prohibited where the end sought is contrary to law or is not a permissible objective of legitimate labor activity. (*James v. Marinschip Corp.*, supra; see also *Dowdy v. Kansas* (1924) 272 U.S. 306.) Assuming the legitimacy of labor's objectives in the primary dispute with Employer B, and the existence of economic interdependence between Employer B and Employer A, the courts have regarded the use of secondary economic pressure against A as the exercise of a constitutionally protected right. (*In re Blaney*, supra.) Since secondary economic pressure is, with some exceptions, constitutionally protected, it seems to follow that the state may not deprive it of that protection by the mere device of declaring such secondary pressure illegal.

In Senate Bill 1066, the State would declare that secondary boycotts (i. e., secondary strikes) are ipso facto an illegal objective, regardless of the fact that the union's objectives in the primary dispute may be in the permitted realm of labor activity, and regardless of the economic interdependence factor. We believe that the courts would nullify the secondary boycott provision on the ground that it is an unconstitutional restriction of the right to quit work, which is protected by the Thirteenth Amendment.

As we have noted, Section 1133 (prohibiting secondary boycott) covers many situations which fall within the definition of hot cargo set forth in Section 1132. Concerted refusals to handle goods and products may take the form of a series of temporary work stoppages on the job, of the kind which may be constitutionally forbidden under the views expressed in *International Union v. Wisconsin Employment Relations Board*, supra. On the other hand, a concerted refusal to handle goods and products may take the form of a secondary strike (i. e., a collective leaving of the job). As applied to the second type of situation, Section 1132 would be subject to the same constitutional fault as Section 1133, that is, a violation of the involuntary servitude provision of the Thirteenth Amendment.

It may be possible to postulate situations where a secondary strike may be constitutionally forbidden. The objectives of the union in the primary dispute may be illegitimate. (See *James v. Marinschip Corp.*, supra, where a closed union picketed to

enforce a demand for a closed shop, and *Bautista v. Jones*, supra, where the union exerted economic pressure to prevent milk distributors from supplying products to independent peddler-drivers. In both cases the objectives of the union were regarded as improper, and the picketing, boycotting, etc. was restrained.) Again, giving full weight to the shaky authority of the *Ritter's Cafe* case, there may be a complete lack of economic interdependence between Employer A and Employer B. Thus it is possible that the secondary boycott prohibition may be constitutional as applied to certain limited situations. Senate Bill 1066 does not, however, distinguish between one situation and another. Instead, it embraces both the situations where it may be constitutionally applied and those where it may not. If it be upheld in some situations, the employees are bound at their peril to guess whether they are in a constitutionally-protected situation or not. It was on exactly the same basis that the State Supreme Court struck down the former hot cargo law in the *Blaney* case. We quote from that decision (30 Cal. 2d at 655-656) :

"Its provisions are not segregated in such a way as to differentiate between peaceful publicizing of the facts of a labor dispute and secondary boycotts involving economic pressure against third parties directly or indirectly connected with the dispute. The only way in which such segregation could be made would be by judicial interpretation, first holding that the act as it stands is wholly unconstitutional, but then determining that, by inserting qualifications and exceptions in the statutory language, a judicially reformed statute might be given some effect. Such a step seems to have been contemplated by the Legislature in enacting the unusual form of severability clauses in the act heretofore quoted (Lab. Code, Sec. 1136). By this type of provision, the Legislature has in effect sought to delegate to the courts the task of rewriting the statute, directing them to set forth, in a succession of judicial opinions upholding or annulling judgments enforcing the provisions of the act, thus determining in advance the extent to which the Legislature may go in providing regulations in this field. It is an inescapable result that, in the meantime, those individuals who guess correctly will be released by the courts, and those who guess incorrectly will be punished; but that no one, employer, employee, union or any one will know what the law is until, after violation of the statute, and judgment thereon, a higher court is given an opportunity to pass on the question of its validity as applied to the particular 'person or circumstance.' Such a theory of judicial construction cannot be supported on either practical or legal grounds, and two well-settled propositions condemn the legislation under review here in toto: First, where an entire statute in general terms infringes upon the constitutional right of free speech, it will be stricken down in its entirety; and second, where, by reason of invalidity of some applications of a criminal statute it fails to state definite criteria of guilt, the whole constitutes an unconstitutional denial of due process of law. Similar legislation was held void on these grounds in the *Bell* case, 19 Cal. 2d 495, 497, and in other decisions as heretofore stated. The Legislature manifestly sought, in the instant case, to prohibit every form of boycott, including some kinds which are occasionally characterized as 'primary.' The deliberately chosen language, covering all such activities in general terms, with no attempt at segregation or classification, leaves this court with no alternative but to nullify the act."

Regardless of the presence or absence of a clear and present danger, if the State may not constitutionally prohibit secondary strikes, it is difficult to perceive how it may prohibit the peaceful means of publication and persuasion employed in connection therewith, or the agreement to engage therein. The agreement, the strike and the peaceful picketing in aid thereof are components of a single transaction. The purposes of the statute would hardly be subserved if it were limited to restraining a union along the following line :

You may constitutionally engage in a secondary strike (secondary boycott), yet you may not constitutionally agree to engage therein, nor, having so engaged, may you publicize the facts thereof.

The prohibition against secondary picketing and other means of publication and persuasion is thus inseparable from the prohibition against secondary strikes. A similar situation occurred in *A.F.L. v. Bain* (Ore., 1940) 106 Pac. 2d 544, in which the Oregon Supreme Court invalidated a statute prohibiting all picketing of an employer except in a bona fide labor dispute between the employer and the majority of his employees. The statute also prohibited secondary action against "agricultural or other products." This latter provision was held so closely related to the anti-picketing section that it too was nullified.

In our view, therefore, the invalidity of the secondary boycott prohibition would emasculate Senate Bill 1066 as a whole and leave it well nigh inoperative. Thus, if the secondary boycott provision is held invalid under the Thirteenth Amendment it is likely that the remainder of the law will be likewise nullified, despite the severability clause in Section 1140.

We summarize our views as follows:

(1) Section 1134 (prohibiting peaceful secondary picketing) and Section 1136 (prohibiting other means of publication and persuasion) are constitutional only if the legislative finding of a clear and present danger is upheld by the courts.

(2) Section 1133 prohibiting secondary boycotts (i.e., secondary strikes), is invalid as a violation of the Thirteenth Amendment, at least where the labor objective in the primary dispute is lawful and there is "interdependence of economic interest" between the primary dispute and the secondary strike.

(3) The impossibility of a judicial revision of Section 1133 would cause the entire statute to fall, regardless that it might be constitutionally applied in limited situations.

We believe that Senate Bill 1066 in its present form is in part unconstitutional and in part constitutionally doubtful.

Very truly yours,

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Opinion of Legislative Counsel

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, March 22, 1949

Hon. George J. Hatfield
Senate Chamber

Constitutionality of Senate Bill No. 1066, Relating to Hot Cargo and Secondary Boycotts—No. 4800

DEAR SENATOR HATFIELD: You have requested our opinion as to the constitutionality of Senate Bill No. 1066, as amended March 16, 1949.

Briefly, the bill adds a chapter to the Labor Code, which declares it to be the public policy of this State to confine labor disputes to the industrial area in which they arise, prohibits certain concerted acts designated hot cargo, secondary boycott, and employer unfair practices, makes picketing unlawful under certain circumstances, and provides for damages and injunctive relief to persons injured by violations of the chapter.

The question calls for a consideration of the scope and nature of the police power of the State and the extent to which that power may be exercised in circumstances wherein it might be construed as impinging upon individual rights guaranteed under the State or Federal Constitution.

The police power is an attribute of sovereignty which defies exact definition, but it has been stated that it "embraces its whole system of internal regulation, by which the State seeks not only to preserve the public order and to prevent offenses against the State, but also to establish for the intercourse of citizens with citizens those rules of good manners and good neighborhood which are calculated to prevent a conflict of rights, and to insure to each the uninterrupted enjoyment of his own so far as is reasonably consistent with a like enjoyment of rights by others." (11 Am. Jur. 973, N. 16.)

It has been held that a police regulation obviously intended as such, and not operating unreasonably beyond the occasions of its enactment, is not rendered invalid by the fact that it may affect incidentally the exercise of some right guaranteed by the Constitution. (11 Am. Jur. 991, N. 11 and cases therein cited.)

The problem, therefore, is to ascertain what rights guaranteed by the Constitution may be affected by the provisions of this bill, and, as to the rights so affected, to determine whether the impairment of such rights constitutes a reasonable and therefore valid exercise of the police power.

In considering this problem, Sections 1132 and 1133 of the bill must first be considered, since most of the other regulatory provisions of the bill would be inoperative if these sections were declared invalid. These provisions read:

"1132. Hot Cargo. Any concerted refusal by employees in the course of their employment to receive, deliver, transport, use, handle or work on goods or products, which concerted refusal is pursuant to an express or implied agreement or understanding between such employees or between such employees and others, is against public policy and unlawful where the object of such concerted refusal is:

"1. To cause their employer to cease or refrain from doing business with another employer because such other employer is a party to a labor dispute; or

"2. To cause their employer to cease or refrain from receiving, delivering, transporting, using, handling or otherwise dealing with the goods or products of another employer because such other employer is a party to a labor dispute; or

"3. To prevent another employer from receiving any goods or products of their employer because such other employer is a party to a labor dispute.

"1133. Secondary Boycott. Any concerted cessation of work by employees or any concerted refusal by employees to report for work, or to perform any work for their employer, which concerted cessation or refusal is pursuant to an

express or implied agreement or understanding between such employees, or between such employees and others, is against public policy and unlawful where the object of such concerted action is:

"1. To cause their employer to cease or refrain from doing business with another employer because such other employer is a party to a labor dispute; or

"2. To cause their employer to cease or refrain from receiving, delivering, transporting, using, handling or otherwise dealing with the goods or products of another employer because such other employer is a party to a labor dispute; or

"3. To prevent another employer from receiving any goods or products of their employer because such other employer is a party to a labor dispute."

We do not believe that the quoted sections infringe upon any right arising under the First and Fourteenth Amendments to the Federal Constitution. That the right of labor unions and their members to peacefully publicize labor problems and the facts of labor disputes is protected under the First and Fourteenth Amendments to the Federal Constitution, as an incident to the right of free speech, is now well established. (*Thomas v. Collins*, 323 U. S. 516; *Cafeteria Union Local 302 v. Angelos*, 320 U. S. 293; *Bakery Drivers Local v. Wohl*, 315 U. S. 769; *A. F. of L. v. Swing*, 312 U. S. 321; *Carlson v. California*, 310 U. S. 106.) However, none of the cases cited hold that a concerted cessation of work constitutes publicizing the facts of a labor dispute or represents an exercise of the right to free speech and assembly, nor do we believe that such a contention would be sustained by the courts.

It is possible to argue that the quoted provisions of Section 1133 of the bill violate the Thirteenth Amendment to the Federal Constitution which provides that "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction," or the similar provisions of Section 18 of Article I of the California Constitution.

However, Section 1133 proscribes only "concerted cessation of work," and does not prohibit or place any restriction on the right of any individual to leave his work by himself. This absence of a restriction upon individual action, would seem upon reason to render Section 1133 immune from attack as a violation of the Thirteenth Amendment.

In a few recent cases the question has been raised as to whether state legislation or injunctions prohibiting concerted refusals to work would violate rights protected under the Thirteenth Amendment. (See *United States v. Petrillo* (1946), 332 U. S. 1; *A. F. of L. v. American Sash & Door Co.* (1949), 93 L. Ed. (Adv. Op.) 209, 220).

While the cases cited raised the question, they do not supply an answer. However, in *U. A. W. v. Wisconsin Employment Relations Board*, ---- Sup. Ct. ----, decided February 28, 1949, the Supreme Court upheld an order of the Wisconsin Employment Relations Board which, in effect, prohibited periodic concerted cessation of work.

Writing the principal opinion, Justice Jackson declared:

"The Union contends that the statute as thus applied violates the Thirteenth Amendment in that it imposes a form of compulsory service or involuntary servitude. However, nothing in the statute or the order makes it a crime to abandon work individually (compare *Pollock v. Williams*, 322 U. S. 4) or collectively. Nor does either undertake to prohibit or restrict any employee from leaving the service of the employer, either with or without notice. The facts afford no foundation for the contention that any action of the State has the purpose or effect of imposing any form of involuntary servitude." (Italics ours.)

The court reviewed its position on the right to strike, in the following passage:

"This Court less than a decade earlier had stated that law to be that the state constitutionally could prohibit strikes and make a violation criminal. It had unanimously adopted the language of Mr. Justice Brandeis that 'Neither the common law, nor the Fourteenth Amendment, confers the absolute right to strike.' *Dorchy v. Kansas*, 272 U. S. 306, 311. Dissenting views most favorable to labor in other cases had conceded the right of the state legislature to mark the limits of tolerable industrial conflict in the public interest. *Duplex Co. v. Deering*, 254 U. S. 443, 488. This court has adhered to that view. *Thornhill v. Alabama*, 310 U. S. 88, 103. The right to strike, because of its more serious impact upon the public interest, is more vulnerable to regulation than the right to organize and select representatives for the purposes of collective bargaining which this court has characterized as a 'fundamental right' and which, as the court has pointed out, was recognized as such in its decisions long before it was given protection by the Labor Relations Act. *Labor Board v. Jones & Laughlin*, 301 U. S. 1, 33.

"As to the right to strike, however, this court, quoting the language of Section 13, has said, 306 U. S. 240, 256. 'But this recognition of "the right to strike" plainly contemplates a lawful strike,—the exercise of the unquestioned right to quit work', and it did not operate to legalize the sit-down strike, which state law made illegal and state authorities punished. *Labor Board v. Fansteel*

Corp., 306 U. S. 240. Nor, for example did it make legal a strike that ran afoul of a federal law, *Southern S. S. Co. v. Labor Board*, 316 U. S. 31; nor one in violation of a contract pursuant thereto, *Labor Board v. Sands Mfg. Co.*, 306 U. S. 332; nor one creating a national emergency, *United States v. United Mine Workers*, 330 U. S. 258."

It will be noted that there is no suggestion that the right to leave work in concert (i.e., to strike) is protected under the Thirteenth Amendment. Other decisions of lower federal and state courts have held that injunctions against striking or threatening to strike are not objectionable as unconstitutionally imposing involuntary servitude. (*International Brotherhood of Electrical Workers v. Western Union Telegraph Co.*, 6 Fed. 2d 444, 46 A.L.R. 1538; *Burgess Bros. v. Stewart*, 184 N. Y. Supp. 199.)

In view of the foregoing we do not believe that Section 1132 or 1133 of the bill would be construed as violating the Thirteenth Amendment to the Constitution.

Since the sections are calculated to implement the declared policy of the State to confine labor disputes to the industrial area in which they arise, and since the Legislature has the right to mark the limits of industrial conflict in the public interest (*U.A.W. v. Wisconsin Employment Relations Board* (above)), we believe these sections represent a valid exercise of the police power and would be upheld by the courts.

We further believe that Section 1135, prohibiting comparable concerted action by employers would be sustained for the same reasons.

There remains for consideration the validity of Sections 1134 and 1136, relating to picketing and acts or agreements entered into for the purpose of causing violations of other provisions.

Before considering the validity of these provisions it would be well to note that if, as we have concluded, either Section 1132, 1133, or 1135 constitutes a valid exercise of the police power, the fact that any other provision is ruled invalid would not pull down or render nugatory the other provisions of the bill. The bill contains a separability clause (Section 1140) and California courts give full recognition to such clauses (*Bacon Service Corporation v. Huss*, 199 Cal. 21), and will give effect to them "where the valid and invalid parts can be separated by paragraph, sentence, clause, phrase, or even single words." (*In re Blaney*, 30 Cal. 2d 643, 655.) The provisions of this bill are physically severable.

Sections 1134 and 1136 of the bill provide:

"1134. Secondary Picketing. (a) Picketing for the purpose of causing, creating, instituting, or carrying out a violation of Sections 1132 or 1133 of this code is against public policy and unlawful. Nothing herein contained shall be construed to prohibit picketing, otherwise lawful, not done for such purpose.

"(b) Where there is an express or implied understanding or agreement that whenever certain picketing shall occur some of the parties to such understanding or agreement will engage in any or all of the concerted actions forbidden by Sections 1132 or 1133 hereof, such picketing by or on behalf of any party to such understanding or agreement shall be against public policy and unlawful, but nothing herein contained shall prohibit picketing otherwise lawful, not done for such purpose.

"1136. Threats and Attempts. Any act performed by or on behalf of a party to one of the agreements specified in Sections 1132 or 1133 of this code for the purpose of causing a violation of either of said sections, and any combination or agreement performed or entered into for the purpose of causing a violation of Section 1132 or 1133 of this code is unlawful."

At the outset it must be noted that these provisions affect, in some degree, the right to free speech and assembly which is guaranteed by the First and Fourteenth Amendments to the Federal Constitution. The question is whether regulations of this type are within the scope of the police power of the State and, if so, whether the particular regulation is a reasonable exercise of that power.

The answer to this question depends almost entirely on the interpretation to be given to opinions of the Supreme Court of the United States in eight cases which will be mentioned hereinafter. Concerning the interpretation to be given these cases, the Supreme Court of California has said: "This subject is difficult, highly controversial and has engendered conflicting decisions by the state courts, without any sure guide in the decisions of the United States Supreme Court." (*In re Blaney*, 30 Cal. 2d 643, 650.)

Prior to 1937 the power of the State to regulate picketing, peaceful or otherwise, had not been seriously questioned. (See 1, *Teller on Labor Disputes and Collective Bargaining*, Sec. 114.) In *Senn v. Tile Layers Union* (1937), 301 U. S. 468, it was first suggested that the right of peaceful picketing was protected against state action by the Fourteenth Amendment to the Constitution, as an exercise of the right of free speech. The doctrine was firmly established in *Thornhill v. Alabama* (1940) 310 U. S. 88 and *Carlson v. California* (1940) 310 U. S. 106, wherein the Supreme Court nullified an Alabama statute and a California county ordinance which prohibited picketing in broad terms.

These cases left open the question as to whether picketing was to be regarded as pure free speech, not subject to regulation by the states in the absence of a "clear

and present danger," or whether picketing might be identified with its purpose and regulated according to the legality of that purpose.

American Federation of Labor v. Swing (1941) 312 U. S. 321, did not definitely answer this question but contained a strong implication that picketing must be judged according to the principles governing free speech generally. This case held that peaceful picketing could not be constitutionally enjoined even where it was carried on by a union to force unionization of a shop in the absence of any labor controversy between the picketed employer and his employees.

In the *Swing* case (above) the court used the following language:

"The scope of the Fourteenth Amendment is not confined by the notion of a particular state regarding the wise limits of an injunction in an industrial dispute, whether those limits be defined by a statute or by a judicial organ of the state. A state can not exclude working men from peacefully exercising the right of free communication by drawing a circle of economic competition between employers and workers so small as to contain only an employer and those directly employed by him." (P. 570.)

The *Swing* case, standing by itself, might be persuasive authority for the proposition that peaceful picketing constitutes solely an exercise of the right to free speech and is to be adjudged according to the principles governing the exercise of that right. Under those principles only a clear and imminently present danger to the security of the government or the carrying out of its functions justifies restraint of the right. (*Thomas v. Collins*, 323 U. S. 516.)

Bakery and Pastry Drivers, etc. v. Wohl, 315 U. S. 769, *Allen-Bradley Local No. 1111 v. Wisconsin Employment Relations Board*, 315 U. S. 740, and *Carpenters and Joiners Union, etc. v. Ritters Cafe*, 315 U. S. 722, were the next cases in which the Supreme Court considered the problem. These cases were all decided on the same date, March 30, 1942.

The *Wohl* case involved a dispute between the Bakery Drivers Union and independent jobbers who owned their own trucks and bought bakery products from manufacturers and sold them to retailers. These independent jobbers operated their own trucks and had no employees. The union tried to unionize the jobbers or to obtain agreements that they would employ a union driver one day each week. When the jobbers refused, the union peacefully picketed the manufacturing bakeries who sold to the jobbers. The union also requested the retailers who bought from the jobbers to cease doing business with them and threatened to picket the retailers if they refused to do so. However, the threat was not carried out.

The New York court found that the picketing was peaceful but enjoined the union from picketing the manufacturing bakeries or the jobbers retail outlets, on the ground that no "labor dispute" existed. On certiorari, the United States Supreme Court reversed the decree.

Writing the principal opinion, Justice Jackson declared that the New York courts assumed that an injunction was proper merely because a "labor dispute" under New York law was not involved, and went on to say:

"Of course that does not follow: one need not be in a 'labor dispute' as defined by state law to have a right under the Fourteenth Amendment to express a grievance in a labor matter by publication unattended by violence, coercion, or conduct otherwise unlawful or oppressive." (P. 774.)

He concluded that the jobbers "mobility and their insulation from the public as middlemen" made it practically impossible for the union to make known its grievances to the public whose patronage supported the peddler system, by other means of communication, and that the picketing had "slight, if any, repercussions" on strangers to the dispute.

On its facts the *Wohl* case represents no more than a holding that picketing gains no sanctity merely from its attachment to a recognized labor dispute, but must be judged by the same standards irrespective of whether or not a labor dispute exists under state law.

However there is an implication in the case that, had the New York court found the picketing involved was performed for the purpose of coercing the jobbers into hiring an unwanted employee, and certified that fact, the Supreme Court would have reached a different result. (See Teller on Labor Disputes and Collective Bargaining, 1947 Supplement, Section 136, pp. 77, 78.) And in a dictum, the court for the first time since the *Senn* case (above) indicated that picketing might be restricted or prohibited by state action by declaring "A state is not required to tolerate in all places and all circumstances even peaceful picketing by an individual." (P. 775.)

In the *Allen-Bradley* case the court in effect upheld the Wisconsin Supreme Court's interpretation of an order of the Wisconsin Employment Relations Board which enjoined the union or its members, among other things, from picketing the homes of employees who refused to join the strike. While it is true that the court did

not consider the applicability of the free speech amendment to such picketing, the effect of the decision was to uphold a state prohibition against picketing performed away from the location of the primary dispute. In *James v. Marinship Corp.* 25 Cal. 2d 721, 729, the Supreme Court of California cited this case as authority for the proposition that the states could limit picketing "as to place."

In the *Ritter* case (above), Ritter, a restaurant owner, made a contract with Plaster, a contractor, for the construction of a building not connected with his cafe and twenty-four blocks from it. The contract left the employment of labor to Plaster, but when the latter hired nonunion men the Carpenters and Joiners Union peacefully picketed Ritter's cafe. The Texas court enjoined the picketing, and on rehearing stated that "the Fourteenth Amendment does not make unconstitutional the use of an injunction as a means of preventing the violation of the Texas anti-trust law."

On certiorari, the Supreme Court affirmed the injunction in a five to four decision. Writing the majority opinion, Justice Frankfurter said:

"But recognition of peaceful picketing as an exercise of free speech does not imply that the states must be without power to confine the sphere of communication to that directly related to the dispute. Restriction of picketing to the area of the industry within which a labor dispute arises leaves open to the disputants other traditional modes of communication. To deny to the states the power to draw this line is to write into the Constitution the notion that every instance of peaceful picketing—anywhere and under any circumstances—is necessarily a phase of the controversy which provoked the picketing. Such a view of the Due Process clause would compel the states to allow the disputants in a particular industrial episode to conscript neutrals having no relation to either the dispute or the area in which it arose." (P. 727, 728.)

Because the court specifically limited its holding to the facts presented it is difficult to draw a rule or principle of general application from it. In his dissenting opinion Justice Reed declared that "Until today orderly regulated picketing has been within the protection of the Fourteenth Amendment." Teller on Labor Disputes and Collective Bargaining (1947 Supplement, Section 136, p. 79), cites it as authority for the proposition that picketing may be limited to "the area of the industry in which a labor dispute arises."

After the three cases last mentioned, no case involving picketing was passed on by the Supreme Court until November, 1943, when *Cafeteria Employees Union Local 302 v. Angelos*, 320 U. S. 293, was decided. In that case a union picketed two restaurants which were operated by their owners without any employees, in an attempt to "organize" them. The New York court, in broad terms, enjoined the union from picketing "at or near" the restaurants *on the ground that no "labor dispute" existed* under New York law. The decision was affirmed by the New York Court of Appeals. On certiorari the United States Supreme Court reversed the New York Court of Appeals.

On its facts the *Angelos* case neither adds to nor detracts from any of the cases previously cited. The economic situation presented was basically the same as that presented in *Seann v. Tile Layers Union* (above), in that both cases involved picketing of an operating owner in an attempt to force him to cease self-operation and employ union help. The legal situation cannot be distinguished from that of the *Wohl* case (above), since in both cases the New York Court's action was based on the premise that no "labor dispute" existed under New York law, and the Supreme Court in effect held in both cases that the right to picket was not contingent upon the existence of a labor dispute.

The *Angelos* case is the latest case in which the Supreme Court has written a full opinion on picketing.

In view of this background it is difficult, if not impossible, to predict with any degree of certainty just how far a state may go in restricting picketing. In analyzing the effect of the *Wohl*, *Allen-Bradley* and *Ritter* cases (above), Teller in his work on Labor Disputes and Collective Bargaining says:

"The back-track of the 1941 term of the Supreme Court, and the resulting confusion in the law governing picketing, could not have been unintentional. It is more reasonable to suppose that the Supreme Court found it necessary to impair the extent of identification of picketing with free speech * * * If picketing was not similarly welcomed with the full protective comfort of constitutionalism, it is because the Supreme Court has begun to doubt that picketing is free speech * * *." (1947 Supplement, Sec. 136, p. 82.)

Some support for this view may be found in statements such as that made by Justice Douglas in his concurring opinion in the *Wohl* case (above). He declared "Picketing by an organized group is more than free speech, since it involves patrol of a particular locality and since the very presence of a picket line may induce action of one kind or another, quite irrespective of the nature of the ideas which are being disseminated."

In *James v. Marinship Corporation* (1944), 25 Cal. 2d, 721, the California Supreme Court reviewed briefly the cases listed above and drew the following conclusion:

"Thus a state may impose limitations upon picketing or other concerted action *if the 'end sought' is not permissible under state law and public policy*, though any such limitations are subject to review by the United States Supreme Court, and will be annulled if they unreasonably interfere with labor's right to publicize the facts of a labor dispute." (P. 730) (*italics ours*).

In *Hughes v. Superior Court* (1948), 32 Cal. 2d, 850, the California Supreme Court, on certiorari, affirmed a judgment of contempt imposed for violation of an injunction against peaceful picketing.

In that case members of certain unincorporated associations picketed Lucky Stores, Inc., for the purpose of inducing the latter to hire Negro clerks in its stores in proportion to the white and Negro customers who patronized the stores. The corporation obtained an injunction restraining the association and certain named individuals "from picketing or taking position in front of any of the places of business of Lucky Stores, Incorporated, for the purpose of compelling" the latter to agree to "the selective hiring of Negro clerks, such hiring to be based on the proportion of white and Negro customers who patronize . . . (Lucky's) stores."

The California Supreme Court held that this "purpose" constituted an "unlawful objective," and picketing for such purpose could be enjoined. The majority opinion stated:

"Nevertheless, as emphasized in *James v. Marinship Corp.* (1944), supra, 25 Cal. 2d, 721, 728-729 (see also authorities there cited), the state may protect against abuses of the right [to picket]: 'the object of concerted labor activity must be proper and . . . must be sought by lawful means, otherwise the persons injured by such activity may obtain damages or injunctive relief.'" (*italics ours*) (P. 854).

Justice Carter's dissenting opinion was based on the premise that the purpose of the picketers was lawful, and his opinion reflects complete agreement with the quoted position of the majority opinion in the following statement:

"It is conceded here that picketing is free speech and something more. It is not an absolute right, but may be said to be in a category by itself, and as such subject to *reasonable* regulation by the courts. The boundaries circumscribing the right to picket are said to be that the *object* of concerted labor activity must be proper and that it must be sought by lawful *means*, or the person injured by such activity may obtain damages or injunctive relief. There is no dispute here concerning the means used since the picketing was admittedly peaceful. The dispute centers around the objective sought by petitioners." (P. 861) (*emphasis is the Court's*).

A very similar appraisal of the permissible limits of state restriction of picketing is found in Teller on Labor Disputes and Collective Bargaining (1947 Supplement, Section 136, p. 88) wherein the author says:

"But if the *Wohl and Ritter's Cafe* cases mean anything at all, the court intends to return to the several states their traditional jurisdiction to enjoin not only the unruly picket line but also the practice of picketing in undesirable places, at objectionable times and for unworthy purposes."

We believe, on the basis of the cases cited, that the United States Supreme Court will not afford picketing the same freedom from restriction by state action that is afforded to other forms of communication. We further believe that court has, and will continue to, recognize that the states have power under proper circumstances to confine the activities of pickets to the area directly related to the dispute which gave rise to the picketing.

This conclusion finds support in a recent decision of the United States Court of Appeals, Ninth Circuit, decided on December 13, 1948, rehearing denied January 19, 1949. That case, *Printing Specialties and Paper Converters Union, Local 388, A. F. L., v. LeBaron*, 171 Fed. 2d (Adv. Sheet) 331, involved an injunction under Section 8(b)(4) of the Taft-Hartley Act, 29 U.S.C.A., Section 158(b)(4). That section provides:

"(b) It shall be an unfair labor practice for a labor organization or its agents—

* * * * *

"(4) To engage in, or to induce or encourage the employees of an employer to engage in, a strike or a concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services, where an object thereof is: (A) forcing or requiring any employer * * * or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person."

The court stated the question in the following language:

"The debate here is whether peaceful picketing may constitutionally be confined by legislation to the area of industrial dispute, or, in plainer English, to the premises of the employer with whom the dispute is in progress."

The court, after a brief analysis of the *Wohl* case (above) and the *Ritter* case (above) answered the question in the affirmative.

Turning again to Sections 1134(a) and 1136, set forth above, it appears that such sections proscribe picketing only under circumstances wherein it is performed to induce employees of another employer, who has no connection with the dispute which caused the picketing, to unlawfully strike for the purpose of compelling the employer to stop doing business with a party to the original dispute, contrary to the public policy prescribed in Section 1131.

Section 1134(b) prohibits picketing only, in effect, where there is a prior agreement that the concerted action prohibited by Sections 1132 and 1133 will be performed when the picket appears.

Since these sections prohibit picketing only when performed for an unlawful purpose (inducing an unlawful act) and for the purpose of extending a labor dispute beyond the limits prescribed by the public policy of the State, we believe there is a strong possibility that they would be upheld.

With respect to Section 1134(b) it should be noted that the "picketing" there proscribed is not picketing for the purposes of advertising the facts of a trade dispute, but picketing performed for the purpose, in effect, of giving a signal which will touch off a prearranged course of unlawful conduct.

We believe this provision would be upheld against any attack based on the First and Fourteenth Amendments to the Federal Constitution.

Finally, we do not believe Senate Bill No. 1066 is open to attack on the ground of uncertainty. It is narrowly drawn, aimed at specific conditions, and separately sets forth each form of concerted action sought to be proscribed.

Very truly yours,

FRED B. WOOD, Legislative Counsel
A. C. MORRISON, Deputy

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Dilworth moved that Senate Bill No. 470 be taken from the inactive file and placed on the second reading file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 191

Senator Dillinger moved that Senate Bill No. 191 be withdrawn from Committee on Elections for purpose of amendment, and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 191—An act to amend Sections 2896, 2897, 2898, 5713, 5901, 5911, 5931, 5932, 6550, and 7003, to add Sections 6602, 7103.5, 7133.5, 7208.5, and 7208.7 and Article 10.5, consisting of Sections 6525 to 6534, inclusive, to Chapter 6 of Division 8 and Article 1.5, consisting of Sections 7031 to 7038, inclusive, to Chapter 1 of Division 9, and to repeal Article 3a of Chapter 5 of Division 8 and Chapter 6, consisting of Sections 7791.5 to 7880, inclusive, of Division 9, all of the Elections Code, relating to elections, including provisions relating to ballots and absent voting.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 4, of the printed bill, strike out all of lines 4 to 15, inclusive.

Amendment No. 2

On page 2, line 16, of said bill, change "SEC. 5" to read "SEC. 4".

Amendment No. 3

On page 2, line 25, of said bill, change "SEC. 6" to read "SEC. 5".

Amendment No. 4

On page 3, line 6, of said bill, after the word "it", insert "by mail or otherwise".

Amendment No. 5

On page 3, line 15, of said bill, change "SEC. 7" to read "SEC. 6".

Amendment No. 6

On page 3 of said bill, strike out lines 30 and 31, and the words "with rubber stamp" on line 32, and insert "his ballot as before set forth in this article, except that he may mark his ballot with pen and ink or indelible pencil, instead of with rubber stamp".

Amendment No. 7

On page 3, line 39, of said bill, change "SEC. 8" to read "SEC. 7".

Amendment No. 8

On page 3, line 49, of said bill, change "SEC. 9" to read "SEC. 8".

Amendment No. 9

On page 4, line 1, of said bill, change "SEC. 10" to read "SEC. 9".

Amendment No. 10

On page 5, line 5, of said bill, change "SEC. 11" to read "SEC. 10".

Amendment No. 11

On page 5, line 18, of said bill, change "SEC. 12" to read "SEC. 11".

Amendment No. 12

On page 5, line 22, of said bill, change "SEC. 13" to read "SEC. 12".

Amendment No. 13

On page 5, line 30, of said bill, change "SEC. 14" to read "SEC. 13".

Amendment No. 14

On page 6, line 22, of said bill, change "SEC. 15" to read "SEC. 14".

Amendment No. 15

On page 6, line 26, of said bill, change "SEC. 16" to read "SEC. 15".

Amendment No. 16

On page 6, line 31, of said bill, change "SEC. 17" to read "SEC. 16".

Amendment No. 17

On page 6, line 35, of said bill, change "SEC. 18" to read "SEC. 17".

Amendment No. 18

On page 6, line 41, of said bill, change "SEC. 19" to read "SEC. 18".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Elections.

REPORTS OF STANDING COMMITTEES**Committee on Labor**

SENATE CHAMBER, SACRAMENTO, March 24, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Senate Bill No. 1066

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 5; noes 2.

JUDAH, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 24, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 39

Senate Joint Resolution No. 24

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

POWERS, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Bill No. 24

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 4; absent 1.

POWERS, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 31

Senate Bill No. 62

Senate Bill No. 75

Senate Bill No. 133

Senate Bill No. 202

Senate Bill No. 330

Senate Bill No. 347

Senate Bill No. 671

Senate Bill No. 997

Senate Bill No. 1209

Senate Bill No. 1280

And reports the same correctly engrossed.

POWERS, Chairman

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS****Senate Bill No. 892**—An act to amend Section 19.6 of the Fish and Game Code, relating to the Fish and Game Commission and extending the period during which its general regulatory powers shall continue in existence.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 71—An act to amend Section 827 of the Agricultural Code, relating to apple standards, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 223—An act to amend Section 813.5 of the Agricultural Code, relating to standards for celery.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 257—An act to amend Section 812.4 of the Agricultural Code, relating to standard containers for carrots.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 582—An act to amend Section 802 of the Agricultural Code, relating to standards for grapes, declaring the urgency of of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1135—An act to amend Section 802 of the Agricultural Code, relating to the maturity of grapes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 2 of the title of the printed bill, after "grapes", insert ", declaring the urgency of this act, to take effect immediately".

Amendment No. 2

On page 1 of said bill, strike out lines 17, 18, and 19, and insert "mature if they so test not less than 17 percent and if the juice contains soluble solids equal to or in excess of twenty-five parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization); however, the varie-".

Amendment No. 3

On page 1, line 22, of said bill, after "Malaga," insert "Cardinal,".

Amendment No. 4

On page 2, line 14, of said bill, after "and", insert ", except in the case of the Thompson Seedless variety,".

Amendment No. 5

On page 2, line 24, of said bill, strike out ", except that, in", and insert ". In".

Amendment No. 6

On page 2, line 26, of said bill, after "the", insert "maturity".

Amendment No. 7

On page 2, line 27, of said bill, strike out "such grapes", and insert "the Thompson Seedless variety of grapes".

Amendment No. 8

On page 2, line 41, of said bill, after "cause," strike out "or", and insert "of".

Amendment No. 9

On page 2, after line 44, of said bill, insert

"Sec. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is now no maturity standard prescribed for the Cardinal variety of grape. The production of this variety of grape in California has increased until it has become a significant factor in the marketing of table grapes. The Cardinal variety of grape is an early variety and grapes of this variety may be marketed earlier in the year than a number of other varieties. Practically all other grapes produced in commercial quantities are subject to maturity standards which prevent the marketing of such grapes when they are immature and consequently undesirable.

In order to meet the present maturity standards, Thompson Seedless grapes grown in the area north and west of San Geronio Pass may not be picked until relatively late in the season. The growers in this area are thus placed in an unfavorable competitive position and there is a possibility that if grapes are left unpicked until they meet the present maturity standards that they will become over-mature and unmarketable. Thompson Seedless grapes meeting the new requirements specified herein are sufficiently mature to be entirely satisfactory.

To enable the benefits specified herein to be available during the 1949 marketing season it is necessary that this act take effect immediately."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 893—An act to amend Section 795.1 of the Agricultural Code, relating to orange standards.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 795.1", and insert "Sections 795.1 and 795.5".

Amendment No. 2

In line 2 of the title of said bill, strike out "orange standards", and insert "standards for citrus fruits, declaring the urgency of this act, to take effect immediately".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, after line 18, insert

"SEC. 2. Section 795.5 of said code is amended to read:

795.5. Lemons shall be (1) mature, (2) free from serious decay, (3) free from serious damage by freezing, internal decline, sunburn or drying due to any cause, (4) free from serious injury due to any cause, (5) free from serious scars, including those caused by insects, (6) free from serious scale, (7) free from serious dirt, sooty mold, rot residues or other foreign material, (8) free from serious staining, including smudge stain, (9) free from serious red blotch, (10) free from serious greenish or brownish rind oil spots, (11) free from serious peteca, (12) free from serious spotting and pitting other than peteca, including black pit, Septoria, anthracnose and cold storage injury, (13) free from serious deformities, (14) free from serious bud mite damage, (15) free from serious aging.

The following standards shall be applied in determining whether or not lemons meet the requirements of this section:

(1) Lemons are mature when they have a juice content of 25 percent or more by volume, except that lemons packed for export to markets other than Canada shall not be required to meet this standard.

Determination of maturity shall be made as follows: The volume of a representative sample of at least 25 lemons from the containers or bulk lot shall be measured by water displacement in a graduate. The juice is then extracted from the sample by reaming, screened by pressing through cheesecloth, and its volume measured in a graduate. The percent of juice by volume is found by dividing the juice volume by the fruit volume and multiplying by 100.

(2) Decay is serious if any part of the lemon is affected with decay.

(3) Damage by freezing, or internal decline, or sunburn, or drying due to any cause is serious if 20 percent or more of the pulp or edible portion of the lemon shows evidence of drying, or staining (except membranous stain), or a mushy condition. Damage by internal decline is also serious if the core shows gumming for its entire length. Evidence of damage shall be determined by as many cuts of each individual lemon as are necessary.

(4) Injury due to any cause is serious if the skin (rind) is broken and the injury is not healed.

(5) Scars, including those caused by insects, are serious if they are dark, or rough, or deep and if they aggregate 25 percent or more of the fruit surface.

(6) Scale is serious on the individual lemon if each of three circular areas one inch in diameter, selected as the worst infested areas, each has 15 or more scales.

(7) Dirt, sooty mold, rot residues, or other foreign material are serious if an aggregate area of 10 percent or more of the fruit surface is affected by one or more of the defects mentioned in this paragraph.

(8) Staining of the skin (rind), including smudge stain, is serious if one-third or more of the fruit surface is affected with a pronounced discoloration.

(9) Red blotch is serious if the affected area or areas aggregate 10 percent or more of the fruit surface.

(10) Greenish or brownish rind oil spots are serious if they cover an aggregate area of 25 percent or more of the fruit surface.

(11) Peteca is serious if the spots or pits cover an aggregate area of 10 percent or more of the fruit surface.

(12) Spotting and pitting, other than peteca, are serious if the spots or pits are sunken and cover in the aggregate an area more than one-half an inch in diameter.

(13) Deformities, other than from bud mite damage, are serious if one-third or more of the individual fruit surface is malformed, or ridgy, or lumpy.

(14) Bud mite damage is serious if 20 percent or more of the individual fruit surface is malformed, or the stylar end shows a definite division, or is open.

(15) Aging is serious if 25 percent or more of the surface of the lemon is shriveled or hard.

The compliance or noncompliance with the standards for lemons prescribed in this chapter, except as to maturity, may be determined from a representative sample taken as follows:

(a) When in containers the sample shall consist of not less than 5 percent, by count, of the lemons in each of the containers selected as the sample.

(b) When in bulk the sample shall consist of not less than 100 lemons, except that where the total number of lemons in the bulk lot is less than 1,000 lemons a representative sample shall consist of 10 percent of the lemons.

Each individual lemon may be examined for one or all of the defects, except as to maturity, but only one defect shall be counted or scored against any individual lemon.

Tolerances to be applied to the foregoing standards are hereby established:

A. There shall be no tolerance for failure to meet the maturity requirements as set forth in standard (1) above.

B. *With respect to standard (3) above:*

(i) Not more than 5 percent, by count, of the lemons in any one container or bulk lot may fail to meet the requirements [of any one or a combination of the standards set forth in standard (3) above] *because of damage by internal decline or sunburn.*

(ii) *Not more than 10 percent, by count, of the lemons in any one container or bulk lot may fail to meet the requirements because of damage by freezing or drying due to any cause except internal decline or sunburn but not to exceed one-half of this tolerance or 5 percent shall be allowed for lemons which show dry or drying due to these causes in 40 percent or more of the pulp or edible portion of the lemon.*

C. Not more than 5 percent, by count, of the lemons in any one container or bulk lot may fail to meet the requirements of any one or a combination of the standards set forth in standards (2) and (4) to (15), inclusive, above.

D. In no case may the total tolerance for serious defects in standards 2 to 15, inclusive, exceed 15 percent.

It shall be unlawful to mix or blend any lot of lemons which fails to conform to the requirements of this chapter with other lots which conform to such requirements, for the purpose of selling, marketing or transporting the fruit which has thus failed to conform to the requirements of this chapter.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The freezing weather in the early part of the current calendar year has caused extensive damage to citrus orchards and crops. In the case of lemons, particularly, damage due to freezing is normally of small consequence in relation to total production. The present tolerance of only 5 percent in case of damage to lemons due to freezing is more restricted than tolerances applied to other fruits where tolerances of 10 percent or higher are commonly allowed by the law. The changes in the tolerances for lemons made by this act will put the producers of lemons in approximately the same position as the producers of other fruits and will avoid disruption of the marketing process which would ensue if the present small tolerance is continued in effect during the marketing season of 1949. Furthermore, new methods of testing fruit juice have been developed which are more effective than the Brix scale hydrometer now required to be used. In order to permit the Department of Agriculture to utilize more efficient testing methods for the 1949 citrus fruit crop it is necessary that this act take effect immediately."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 1283—An act to renumber and amend Sections 21400, 21401, 21403, 21404, 21405, and 21406; to renumber Sections 21402, 21407, 21408, and 21409; and to add Sections 21403, 21404, 21405, 21406, and 21408 of the Health and Safety Code, relating to prenatal syphilitic tests.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 4, of the printed bill, after "more", insert "admitted".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 371—An act to add Section 10953.95 to the Insurance Code, relating to insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 627—An act to amend Section 4 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended, relating to fines and obligations of officers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 712—An act to amend Section 10314 of the Insurance Code, relating to disability insurance policies.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 859—An act to amend Sections 736 and 12903.5 of the Insurance Code, relating to insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 861—An act to amend Section 1858.6 of the Insurance Code, relating to insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 862—An act to amend Section 1020 of the Insurance Code, relating to insolvency and delinquency proceedings.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 864—An act to add to Chapter 1, Part 2, Division 1 of the Insurance Code, a new article to be numbered 7.5, relative to remuneration of insurance claims adjusters.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 867—An act to amend Section 952 of the Insurance Code, relating to deposits with the Insurance Commissioner.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 974—An act to add Section 755.2 to the Insurance Code, relating to life, disability and surety insurance and the payment of commissions thereon.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 977—An act to amend Section 1690 of the Insurance Code, relating to the issuance of restricted licenses to transact insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 789—An act to amend Sections 10170 and 10375 of the Insurance Code, relating to life and disability policies.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 4—An act to amend Section 28125 of the Government Code, relating to compensation for public services in counties of the twenty-fifth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 89—An act to amend Section 11 of the Conservation and Planning Act, relating to local planning commissions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 217—An act to add Section 3720.1 to the Political Code, relating to the creation, and changes of boundaries, of school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 321—An act to amend Section 28157 of the Government Code, relating to compensation for public services in counties of the fifty-seventh class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 324—An act to add Section 31510 to the Government Code, relating to establishment of and changes in county employees' retirement systems.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1118—An act to amend Section 28143 of the Government Code, relating to compensation for public services in counties.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 198—An act to add Chapter 3 to Part 8, Division 1 of the Revenue and Taxation Code, relating to the distribution of property tax levies and collections on the secured roll.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 2, line 34, of the printed bill, strike out "assess tax-deeded property", and insert "enter tax-deeded property on the rolls".

Amendment No. 2

On page 2, line 39, of said bills, after the period, insert "Valuations of such tax-deeded property entered on the roll under the provisions of this section shall not be included by the county auditor in any statement of equalized assessed valuations which he may be required to make as the basis for the determination of a bond debt limitation."

Amendment No. 3

On page 6 of said bill, after line 8, insert

"4714. Taxing agencies for which the county levies and collects taxes but for which the county treasury is not the legal depository may be limited in their withdrawals from the county treasury to amounts proportionate with actual tax collections by the county within their taxing areas."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1136—An act to renumber and amend Sections 79.02, 79.03, 79.05, and 79.08; to amend Sections 79.01 and 79.04; to renumber Sections 79.03a, 79.06, 79.07, and 79.09; and to add Sections 79.05, 79.06, and 79.12 to the Civil Code, relating to premarital examinations for syphilis.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 2, line 1, of the printed bill, after "representative", insert "and".

Amendment No. 2

On page 2, line 6, of said bill, after "sent", insert ",".

Amendment No. 3

On page 2, line 15, of said bill, after "as", strike out "'the certificate form.'", and insert "'the certificate form'."

Amendment No. 4

On page 2, line 41, of said bill, after "the", insert "California".

Amendment No. 5

On page 3, line 3, of said bill, strike out "five years", and insert "one year".

Amendment No. 6

On page 3, line 15, of said bill, strike out "examination", and insert "examinations".

Amendment No. 7

On page 3, line 16, of said bill, after "certificates", insert ",".

Amendment No. 8

On page 4, line 29, of said bill, after "same", insert ",".

Amendment No. 9

On page 3, line 22, of said bill, after the word "thereby," add "For the purposes of this section 'other sufficient cause' shall include adherence to the teachings of any well-recognized religious sect, denomination or organization which depends exclusively upon prayer for healing in accordance with the teachings of such religious sect, denomination or organization."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

Senate Bill No. 1183—An act to renumber and amend Sections 21400, 21401, 21403, 21404, 21405, and 21406; to renumber Sections 21402, 21407, 21408, and 21409; and to add Sections 21403, 21404, 21405, 21406, and 21408 of the Health and Safety Code, relating to prenatal syphilitic tests.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 2, line 16, of the printed bill, strike out "five years", and insert "one year".

Amendment No. 2

On page 2, line 25, of said bill, strike out "state department", and insert "State Department".

Amendment No. 3

On page 2, line 31, of said bill, after "guilty of", insert "a".

Amendment No. 4

On page 3, line 5, of said bill, strike out "department", and insert "Department".

Amendment No. 5

On page 3, line 12, of said bill, strike out "department", and insert "Department".

Amendment No. 6

On page 3, line 16, of said bill, strike out "department", and insert "Department".

Amendment No. 7

On page 3, line 19, of said bill, strike out "department", and insert "Department".

Amendment No. 8

On page 3, line 24, of said bill, strike out "revoke", and insert "withdraw".

Amendment No. 9

On page 3, line 34, of said bill, strike out "department", and insert "Department".

Amendment No. 10

On page 3, line 34, of said bill, strike out "revoke", and insert "withdraw".

Amendment No. 11

On page 3, line 40, of said bill, strike out "revoked", and insert "withdrawn".

Amendment No. 12

On page 4, line 4, of said bill, strike out "revocation", and insert "withdrawal".

Amendment No. 13

On page 4, line 8, of said bill, strike out "revoked", and insert "withdrawn".

Amendment No. 14

On page 4, line 9, of said bill, strike out "revocation", and insert "withdrawal".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

Senate Bill No. 1162—An act to amend Section 1415 of the Health and Safety Code, relating to licensing of hospitals.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 1 of the title of the printed bill, after "code", insert "and Section 112 of the Welfare and Institutions Code".

Amendment No. 2

On page 2 of said bill, after line 8, insert

"(g) County hospitals, except that the department shall investigate, examine and make reports upon such hospitals.

SEC. 2. Section 112 of the Welfare and Institutions Code is amended to read:

112. The department shall investigate, examine and make reports upon:

(a) The charitable institutions of the State and of the counties and cities of the State, other than *county hospitals and institutions* under the jurisdiction of another state department.

(b) The public officers who are in any way responsible for the administration of public funds used for the welfare, relief or maintenance of the poor."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

Senate Bill No. 305—An act to amend Section 1601 of the Probate Code, relating to notices and procedure.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1314—An act to amend Section 802 of the Agricultural Code, relating to standards for grapes, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1574—An act to add Sections 255 and 256 to the Agricultural Code, relating to bovine tuberculosis, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

**WITHDRAWAL AND RE-REFERENCE OF SENATE
BILLS NOS. 131 AND 1370**

Senator Hugh M. Burns moved that Senate Bills Nos. 131 and 1370 be withdrawn from Committee on Business and Professions and referred to Committee on Judiciary.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 602

Senator Collier moved that Senate Bill No. 602 be withdrawn from Committee on Governmental Efficiency and referred to Committee on Transportation.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 722

Senator Collier moved that Senate Bill No. 722 be withdrawn from Committee on Water Resources and referred to Committee on Transportation.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Coombs asked for, and was granted, unanimous consent to have Senate Bill No. 431 passed on file and retain its place on file until Monday, March 28, 1949.

Chief Assistant Secretary Cleve V. Taylor at the Desk

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 666—An act to amend Section 6323 of the Public Resources Code, relating to the administration and control of swamp, overflowed, tide or submerged lands and structures thereon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1354—An act to amend Section 184 of the Education Code and Section 3253 of the Welfare and Institutions Code, relating to gifts, donations, bequests, and devises to the Department of Education and to schools, colleges, and other institutions under the jurisdiction of the Department of Education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senate Bill No. 659—An act to amend Section 7410 of the Public Resources Code, relating to state lands, removing acreage limitations on purchases thereof.

Motion to Reconsider Waived

Senator Drobish waived his motion to reconsider the vote whereby Senate Bill No. 659 was passed.

Senate Bill No. 659 ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 190—An act to add Sections 132.5 and 5931.5 to the Elections Code, relating to absentee registration and voting of members of the armed forces of the United States, or any auxiliary branch thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 7—Relative to memorializing the Congress of the United States to enact legislation relating to the disposal of temporary war housing.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Ward, Watson, and Williams—34.
NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 591—An act to amend Section 185 of the Streets and Highways Code, relating to the revolving fund of the Division of Highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Ward, Watson, and Williams—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 75—An act to amend Section 381 of the Vehicle Code, relating to penalties for failure to renew licenses.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 20, of the printed bill, as amended in Senate, March 23, 1949, after "381.1", insert "Fee for Operator's or Chauffeur's License."

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 142—An act to amend the heading of Article 4 of Chapter 1 of Division 4, and Section 4126 of the Public Resources Code, relating to the closing of parks and forestry areas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller,

O'Gara, Parkman, Powers, Regan, Rich, Sutton, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 143—An act to add Section 4006.5 to the Public Resources Code, relating to cooperative agreements for reforestation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Ward, Watson, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 247—An act to amend Section 4011 of the Public Resources Code, relating to peace officers who enforce fire laws.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Ward, Watson, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Regan asked for, and was granted, unanimous consent to have Senate Bill No. 691 passed on file and retain its place on file until Monday, March 28, 1949, pending opinion from Legislative Counsel.

REQUEST FOR UNANIMOUS CONSENT

Senator Miller asked for, and was granted, unanimous consent to have Senate Bill No. 1117 passed on file and retain its place on file until Monday, March 28, 1949, pending opinion from Legislative Counsel.

Senate Bill No. 1280—An act to revise Article 2, Chapter 1, Division 5 of the Public Resources Code, by repealing Sections 5020, 5021, 5022, and 5023 to authorize the appointment of an Historical Landmarks Advisory Committee and defining the powers and duties of said committee, the State Park Commission and the Director of Natural Resources with reference to historical buildings and landmarks.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1610—An act to provide for the sale of a parcel of land under the control of the State Park Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Albano, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dorsey, Drobnish, Harold, Hulse, Jackson, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parham, Powers, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—31

NAYES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1130—An act to renumber the heading of Division 15 of the Health and Safety Code, relating to venereal disease.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Albano, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dorsey, Drobnish, Harold, Hulse, Jackson, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parham, Powers, Rich, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—31

NAYES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 347—An act to amend Section 13142 of the Health and Safety Code, relating to preparation and adoption of fire safety regulations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Albano, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dorsey, Drobnish, Harold, Hulse, Jackson, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parham, Powers, Powers, Rich, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—31

NAYES—None.

MOTION TO RECONSIDER

Senator Crittenden moved to reconsider the vote whereby Senate Bill No. 347 was passed.

Postponement of Reconsideration

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 347 was passed, was continued until the next legislative day.

Senate Bill No. 31—An act to repeal Chapter 3, Part 2, Division 12 of the Health and Safety Code, and to add a new Article 3, Sections 6748 and 6907, and, in Sections 67, and amend Section 9575 of Chapter 18, of the Business and Professions Code, relating to the inspection of cleaning, dyeing or pressing establishments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Albano, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dorsey, Drobnish, Harold, Hulse, Jackson, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parham, Powers, Powers, Rich, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—31

NAYES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 133—An act to amend Section 19141 of the Government Code, relating to reinstatement of employees in the state civil service.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 671—An act to amend Section 18102 of the Government Code, relating to sick leave.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1209—An act to amend Section 4001 of the Government Code, relating to public work.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 601—An act to add Sections 170, 171, and 172 to the Government Code, relating to the boundary of the State of California along the Pacific Coast and to the inland waters of California in coastal areas, giving greater precision thereto by declaring the lines thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1216—An act to amend Section 19390 of the Government Code, relating to the right of state employees entering the military service to be restored to their former position and civil service status upon termination of such military service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Tenney, Ward, Watson, Weybret, and Williams—33.

NOES—None.

MOTION TO RECONSIDER

Senator Coombs moved to reconsider the vote whereby Senate Bill No. 1216 was passed.

Postponement of Reconsideration

On motion of Senator Coombs, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1216 was passed, was continued until the next legislative day.

Senate Bill No. 1221—An act to amend Section 4300f of the Political Code, relating to jurors' fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 202—An act to amend Section 1530a of the Probate Code, relating to compromise of claim or demand by guardian.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 3.45 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Senate Bill No. 997—An act to add Section 532b to the Penal Code, relating to false personation, and providing penalties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Parkman, Powers, Regan, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1421—An act to amend Section 10337 of the Government Code, relating to the California Code Commission and legislative committees on revision of the law.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Parkman, Powers, Regan, Rich, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 244—An act to amend Section 70 of the Civil Code, relating to solemnization of marriages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hulse, Jespersen, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Rich, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 380—An act to amend Section 754 of the Probate Code, relating to decedents' estates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hulse, Jespersen, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Ward, and Watson—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 384—An act to amend Section 390 of the Penal Code, relating to railway crossing warning.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Hatfield, Hulse, Judah, Keating, Kraft, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Ward, and Watson—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Miller Presiding

At 4.12 p.m., Senator George Miller, Jr. of the Seventeenth District, presiding.

Senate Bill No. 766—An act to add Section 1226 to the Government Code, and to repeal an act entitled "An act providing for the issuance of duplicate certificates, where certificates issued under authority of law have been lost or destroyed by conflagration or other public calamity," approved June 16, 1906, (Chapter 53 of the Statutes of the Extra Session of 1906), relating to the issuance of duplicate certificates, and to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 998—An act to amend Sections 4573 and 4573.5 of, and to add Section 4573.6 to the Penal Code, relating to the bringing of narcotics, drugs, and alcoholic beverages into state and local prisons, and making possession of such articles within such institutions a felony.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hulse, Judah, Kraft, Miller, Parkman, Powers, Regan, Rich, Ward, Watson, and Williams—23.

NOES—Senator Keating—1.

MOTION TO RECONSIDER

Senator Kraft moved to reconsider the vote whereby Senate Bill No. 998 was passed.

Postponement of Reconsideration

On motion of Senator Kraft, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 998 was passed, was continued until the next legislative day.

Senate Bill No. 1572—An act to amend Section 26826 of the Government Code, relating to the appearance of defendant, intervenor, respondent, corespondent, or adverse party.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1028—An act to add Section 2895.1 to the Education Code, relating to the annexation of school districts to union or joint union elementary school districts.

MOTION TO RE-REFER SENATE BILL NO. 1028

Senator Jespersen moved that Senate Bill No. 1028 be re-referred to Committee on Education.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 479—An act to amend Section 3423 of the Public Resources Code, relating to delinquent assessment and charges for the Petroleum and Gas Fund, Division of Oil and Gas, Department of Natural Resources.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hulse, Jespersen, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 52—Relative to adding Joint Rule No. 6.5 to the Joint Rules of the Senate and the Assembly regarding introduction of bills.

Resolution read, and presented by Senator Powers.

Motion to Postpone Consideration Indefinitely

Senator Rich moved that further consideration of Assembly Concurrent Resolution No. 52 be postponed indefinitely.

Motion carried.

Assembly Bill No. 730—An act to add Section 135 to the Welfare and Institutions Code, relating to the compensation of members of the board or committee appointed by the Director of the State Department of Social Welfare.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, Parkman, Powers, Regan, Rich, Tenney, Ward, and Williams—25.

NOES—Senators Abshire, Coombs, Sutton, and Watson—4.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 589

Senator Regan moved that Senate Bill No. 589 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 589—An act to amend Section 6050 of the Penal Code, relating to the wardens and superintendents of state correctional institutions.

Bill read second time.

Motion to Amend

Senator Regan moved the adoption of the following amendment:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 1

On page 1, line 9, of the printed bill, after "preferred", insert ["by any person, shall be heard by the Board of Corrections. The Board of Corrections shall make detailed findings with respect".]

Amendment read, and adopted.

Bill ordered printed, and referred to Committee on Governmental Efficiency.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 517

Senator Hatfield moved that Senate Bill No. 517 be withdrawn from Committee on Finance for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 517—An act making an additional appropriation to the Legislators' Retirement Fund.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 4, of the printed bill, as amended in Senate March 23, 1949, after "Fund", insert "to the".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

MOTION TO PRINT REPORT

Senator Jespersen moved that 2,500 copies of the report by the State Department of Public Health and State Department of Education, relative to the problem of severely handicapped and spastic crippled children and adults, which appears in the Journal of January 24, 1949, beginning on page 271 and ending on page 281, be printed in pamphlet form.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 814

Senator Hugh M. Burns moved that Senate Bill No. 814 be withdrawn from Committee on Business and Professions for purpose of amendment, and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 814—An act to amend Sections 7514, 7522, 7526, 7527, 7531, 7538, 7547, 7551, 7565, and 7582 of, and to add Sections 7529.5, 7529.6, 7540, 7541, 7542, 7543 and 7549 to, the Business and Professions Code, relating to private detectives.

Bill read second time.

Motion to Amend

Senator Hugh M. Burns moved the adoption of the following amendments.

Amendment No. 1

On page 5 of the amended bill, strike out lines 6 to 11, inclusive.

Amendment No. 2

On page 5, line 12, of said bill, following "Sec.", strike out "13", and insert "12".

Amendment No. 3

On page 5, line 26, of said bill, strike out "soliciting for or advertising of his business".

Amendment No. 4

On page 5, line 34, of said bill, following "Sec.", strike out "14", and insert "13".

Amendment No. 5

On page 5, line 41, of said bill, following "Sec.", strike out "15", and insert "14".

Amendment No. 6

On page 5, line 42, of said bill, following "licensee", insert "soliciting or advertising business".

Amendment No. 7

On page 5, line 44, of said bill, following "Sec.", strike out "16", and insert "15".

Amendment No. 8

On page 6, line 1, of said bill, following "Sec.", strike out "18", and insert "16".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 26

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Joint Resolution No. 26—Relative to the participation of the United States in a world federal government.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 63	Assembly Bill No. 2106
Assembly Bill No. 89	Assembly Bill No. 2107
Assembly Bill No. 379	Assembly Bill No. 2108
Assembly Bill No. 442	Assembly Bill No. 2109
Assembly Bill No. 462	Assembly Bill No. 2302
Assembly Bill No. 724	Assembly Bill No. 2303
Assembly Bill No. 773	Assembly Bill No. 2305
Assembly Bill No. 764	Assembly Bill No. 2306
Assembly Bill No. 1360	Assembly Bill No. 2308

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 63—An act to amend Section 19.6 of the Fish and Game Code, relating to the Fish and Game Commission and extending the period during which its general regulatory powers shall continue in existence.

Referred to Committee on Fish and Game.

Assembly Bill No. 89—An act to amend Section 533 of the Vehicle Code, relating to school busses and the regulation of traffic in connection therewith.

Referred to Committee on Transportation.

Assembly Bill No. 379—An act to amend Section 1588 of the Labor Code, and to add Section 1588 2 thereto, relating to license fees of employment agencies and labor contractors.

Referred to Committee on Labor.

Assembly Bill No. 442—An act to add Section 512.6 to the Vehicle Code, relating to speed limits.

Referred to Committee on Transportation.

Assembly Bill No. 462—An act to amend Sections 1595 and 1663 of the Labor Code, relating to employment agencies, including artists' managers, the transfer of an interest in an employment agency, and the applicability of various Labor Code sections to artists' managers.

Referred to Committee on Labor.

Assembly Bill No. 724—An act to amend Sections 1296, 1301, 1305, 1306, 1311, 1328, and 1776 of the Labor Code, and Sections 16687 and 16732 of the Education Code, relating to the Division of Labor Law Enforcement.

Referred to Committee on Labor.

Assembly Bill No. 773—An act to amend Sections 52 and 53 of the Labor Code, relating to the Department of Industrial Relations.

Referred to Committee on Labor.

Assembly Bill No. 764—An act to amend Section 1944 of the Labor Code, relating to the employment of aliens.

Referred to Committee on Labor.

Assembly Bill No. 1360—An act to amend Section 25461 of the Government Code, relating to the powers and duties of boards of supervisors.

Referred to Committee on Local Government.

Assembly Bill No. 2106—An act to amend Section 9173 of the Revenue and Taxation Code, relating to actions for the recovery of overpayments of use fuel tax.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2107—An act to amend Section 8148 of the Revenue and Taxation Code, relating to actions for the recovery of overpayments of motor vehicle fuel license tax.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2108—An act to amend Section 10278 of the Revenue and Taxation Code, relating to actions for the recovery of overpayments of motor vehicle transportation license tax.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2109—An act to amend Section 11573 of the Revenue and Taxation Code, relating to actions for the recovery of overpayments of private car tax.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2302—An act to amend Sections 6902, 6903, and 6907 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2303—An act to amend Section 6362 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2305—An act to amend Sections 6901 and 6981 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2306—An act to amend Sections 6481, 6511, and 6907 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2308—An act to amend Section 6487 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 20

Assembly Bill No. 159

Assembly Bill No. 616

Assembly Bill No. 817

Assembly Bill No. 2101

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 20—An act to add Sections 159.5, 159.6, and 159.7 to the Vehicle Code, relating to motor vehicle registration.

Referred to Committee on Transportation.

Assembly Bill No. 159—An act to amend the title of Part 5, Division 2 of the Labor Code, relating to housing.

Referred to Committee on Labor.

Assembly Bill No. 616—An act to amend Sections 452, 459.2, and 476 of, and to add Sections 454.1, 469.1, and 474.1 to the Vehicle Code, relating to the regulations of traffic on highways.

Referred to Committee on Transportation.

Assembly Bill No. 817—An act to amend Section 511.3 of the Vehicle Code, relating to speed limits and the operation of vehicles upon the highways.

Referred to Committee on Transportation.

Assembly Bill No. 2101—An act to amend Sections 1113, 1160, 1190, and 1191 of the Harbors and Navigation Code, and to repeal Sections 1160.5, 1160.6, and 1161 thereof, relating to pilots.

Referred to Committee on Transportation.

REPORTS OF STANDING COMMITTEES**Committee on Military and Veterans Affairs**

SENATE CHAMBER, SACRAMENTO, March 23, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 1499

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

SUTTON, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, March 24, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which were referred:

Senate Bill No. 313

Senate Bill No. 378

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

DILLINGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which were referred:

Senate Bill No. 375

Senate Bill No. 466

Senate Bill No. 379

Senate Bill No. 467

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

DILLINGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Senate Bill No. 1037

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 5; noes 3; absent 1.

DILLINGER, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 24, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 32

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 4.50 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 10 a.m., Friday, March 25, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-SIXTH LEGISLATIVE DAY

EIGHTY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, March 25, 1949

The Senate met at 10 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—31.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:
Senator Salsman, on motion of Senator Powers.

Senator O'Gara, on motion of Senator Powers, due to legislative business.

Senator Dorsey, on motion of Senator Powers, due to legislative business.

Senator Busch, on motion of Senator Powers, due to legislative business.

Senator McBride, on motion of Senator Powers, due to legislative business.

Senator Regan, on motion of Senator Powers, due to legislative business.

Senator Tenney, on motion of Senator Powers, due to legislative business.

Senator Parkman, on motion of Senator Powers, due to legislative business.

Senator Mayo, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Desmond, Williams, and Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry J. Johnson, Harold Corbin, City Manager; C. R. Williams, President, Chamber of Commerce, and H. R. Matzke, all of Porterville.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles A. Strong and Otis Russell Johnson of San Francisco.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elizabeth Turner, Mr. and Mrs. Dean Fletcher, and Charles Forks, members of the School Board of Wildomar.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Bob Pitts and daughter, Barbara of Chico.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lawrence M. Miller of Grimes.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 24, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 4	Senate Bill No. 789
Senate Bill No. 71	Senate Bill No. 859
Senate Bill No. 89	Senate Bill No. 861
Senate Bill No. 217	Senate Bill No. 862
Senate Bill No. 223	Senate Bill No. 864
Senate Bill No. 257	Senate Bill No. 867
Senate Bill No. 305	Senate Bill No. 892
Senate Bill No. 321	Senate Bill No. 974
Senate Bill No. 324	Senate Bill No. 977
Senate Bill No. 371	Senate Bill No. 1118
Senate Bill No. 582	Senate Concurrent Resolution No. 39
Senate Bill No. 627	Senate Joint Resolution No. 24
Senate Bill No. 712	

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Education

SENATE CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:

Senate Bill No. 685

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:

Senate Bill No. 850

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1129

Senator Desmond moved that Senate Bill No. 1129 be withdrawn from Committee on Local Government for purpose of amendment and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1129—An act to validate the formation, organization, boundaries, acts, proceedings and bonds of fire protection districts in unincorporated areas.

Bill read second time.

Motion to Amend

Senator Desmond moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, add the following sentence at the end of Section 3: "Whenever any fire protection district organized under Division 12, Part 3, Chapter 1 of the Health and Safety Code shall include all of any area theretofore included within fire limits theretofore established by any board of fire commissioners in any unincorporated area of any county in this State, then, on the effective date of the organization of such fire protection district, all funds, properties, rights, powers and functions of such board of fire commissioners shall be vested in such fire protection district and all moneys in the county treasury of such county, raised from taxation or otherwise, upon the territory within said fire limits and all funds theretofore or thereafter collected on account of such board of fire commissioners shall be transferred to and vested in and be made available for use by such fire protection district, and all regulations and ordinances theretofore adopted by such board of fire commissioners and then in effect shall remain in effect and be the regulations and ordinances of such fire protection district until such time as new regulations or ordinances covering the same subject or subjects shall be adopted or passed by the district board of such fire protection district."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 423

Senator Desmond moved that Senate Bill No. 423 be withdrawn from Committee on Judiciary for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 423—An act to add an article heading for Article 1 and to add Article 2 comprising Section 956 to Chapter 1 of Title 2 of Part 3 of Division 2 of, and Section 3333.5 to the Civil Code; and to amend Sections 376 and 377 of the Code of Civil Procedure; and to amend Sections 573 and 707 of the Probate Code; and to amend Section 402 of

the Vehicle Code; and to amend Section 11580 of the Insurance Code; all relating to actions for personal injury and actions for wrongful death generally, and the survival of such actions.

Bill read second time.

Motion to Amend

Senator Desmond moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the title of the printed bill, strike out ", and Section 3333.5 to".

Amendment No. 2

On page 1, line 14, of said bill, after "person", insert "or out of a statute imposing liability for such injury".

Amendment No. 3

On page 1, line 18, of said bill, after "action.", insert "When the person entitled to maintain such an action dies before judgment, the damages recoverable for such injury shall be limited to loss of earnings and expenses sustained or incurred as a result of the injury by the deceased prior to his death, and shall not include damages for pain, suffering or disfigurement, nor punitive or exemplary damages, nor prospective profits or earnings after the date of death. The damages recovered shall form part of the estate of the deceased. Nothing in this article shall be construed as making such a thing in action assignable."

Amendment No. 4

On page 1 of said bill, strike out lines 19 and 20, and on page 2, strike out lines 1 to 6, inclusive.

Amendment No. 5

On page 2, line 7, of said bill, strike out "4", and insert "3".

Amendment No. 6

On page 2, line 28, of said bill, after "address", insert "with request for a return receipt. If service is made by registered mail the production of a return receipt purporting to be signed by the addressee shall create a disputable presumption that such summons and complaint have been duly served. In the absence of personal service or service by registered mail, as above provided, service may be made as provided in Sections 412 and 413 of this code."

Amendment No. 7

On page 2 of said bill, strike out lines 30 and 31, and insert "determined by the court."

Amendment No. 8

On page 2, line 37, of said bill, strike out "representative", and insert "representatives".

Amendment No. 9

On page 2, lines 39 and 40, of said bill, strike out "representative", and insert "representatives".

Amendment No. 10

On page 2, line 43, of said bill, after "action", insert "arising out of the same wrongful act or neglect".

Amendment No. 11

On page 2, line 47, of said bill, strike out "5", and insert "4".

Amendment No. 12

On page 2, line 49, of said bill, after "person", insert "not being a minor, or when the death of a minor person who leaves surviving him either a husband or wife or child or children or father or mother,".

Amendment No. 13

On page 3, lines 9 and 10, of said bill, strike out "representative", and insert "representatives".

Amendment No. 14

On page 3, line 12, of said bill, strike out "and the preceding".

Amendment No. 15

On page 3, line 14, of said bill, after "just", strike out the period, and insert ", but shall not include damages recoverable under Section 956 of the Civil Code. The respective rights of the heirs in any award shall be determined by the court. Any action brought by the personal representatives of the decedent pursuant to the provisions of Section 956 of the Civil Code may be joined with an action arising out of the same

wrongful act or neglect brought pursuant to the provisions of this section. If an action be brought pursuant to the provisions of this section and a separate action arising out of the same wrongful act or neglect be brought pursuant to the provisions of Section 956 of the Civil Code, such actions shall be consolidated for trial on the motion of any interested party."

Amendment No. 16

On page 3, line 15, of said bill, strike out "6", and insert "5".

Amendment No. 17

On page 3, line 20, of said bill, strike out "wrongs"; and on line 21, strike out "resulting in physical injury or", and insert "any liability for physical injury."

Amendment No. 17a

On page 3, line 32, of said bill, strike out "7", and insert "6".

Amendment No. 18

On page 3, line 36, of said bill, strike out "wrongs resulting in physical"; and on line 37, strike out "injury or", and insert "physical injuries or".

Amendment No. 19

On page 3, line 49, of said bill, strike out "8", and insert "7".

Amendment No. 20

On page 5, line 11, of said bill, strike out "9", and insert "8".

Amendment No. 21

On page 5, line 17, of said bill, between "such provisions" and "shall", insert "and".

Amendment No. 22

On page 5, line 21, of said bill, strike out "of", and insert "or".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 116

Senate Bill No. 1099

Senate Bill No. 1100

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 220

Assembly Bill No. 2421

Assembly Bill No. 2427

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman.

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 6

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported resolution ordered to third reading.

CONSIDERATION OF DAILY FILE
MOTIONS TO RECONSIDER

Senate Bill No. 347—An act to amend Section 13143 of the Health and Safety Code, relating to preparation and adoption of fire safety regulations.

Postponement of Reconsideration

Senator Crittenden moved that further consideration of his motion to reconsider the vote whereby Senate Bill No. 347 was passed, be continued until the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Miller, Powers, Rich, Sutton, Swing, Ward, Watson, and Weybret—27.

NOES—None.

SECOND READING OF SENATE BILLS

Senate Bill No. 577—An act to amend Section 5003.5 of, and to add Section 5003.6 to, the Public Resources Code, relating to highway and road easements across state park lands.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended in Senate March 14, 1949, strike out “, and to add Section 5003.6 to”.

Amendment No. 2

On page 1, of said bill, strike out lines 15 to 24, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

Senate Bill No. 1066—An act to repeal Chapter 8, comprising Sections 1131 to 1136, inclusive, of Part 3 of Division 2 of the Labor Code, and to add a new Chapter 8 to Part 3 of Division 2 of that code, comprising Sections 1131 to 1140, relating to hot cargo and secondary boycotts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 24—An act to add Article 5 to Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the State

Capitol Building, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 313—An act to amend Section 39 of the Unemployment Insurance Act, relating to employer's contributions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 378—An act to amend Section 39.1 of the Unemployment Insurance Act, relating to benefits.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 375—An act to amend Section 58 of the Unemployment Insurance Act, relating to disqualification for benefits.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 379—An act to amend Section 67 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 466—An act to amend Section 44 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 467—An act to amend Section 45.12 of the Unemployment Insurance Act, relating to the release of subordination of liens.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 32—An act to amend Section 7211 of the Business and Professions Code, relating to the Guide Dog Fund.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 470—An act to amend Section 12126 of the Education Code, relating to credentials authorizing service in the public schools.

Bill read second time, and ordered to third reading.

MOTIONS TO RECONSIDER (RESUMED)

Senate Bill No. 998—An act to amend Sections 4573 and 4573.5 of, and to add Section 4573.6 to the Penal Code, relating to the bringing of narcotics, drugs, and alcoholic beverages into state and local prisons, and making possession of such articles within such institutions a felony.

MOTION TO RECONSIDER SENATE BILL NO. 998

Pursuant to his motion previously made, Senator Kraft moved that the Senate, at this time, reconsider the vote whereby Senate Bill no 998 was passed.

The roll was called, and Senate Bill No. 998 reconsidered by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Regan, Rich, Sutton, Swing, Ward, and Watson—27.

NOES—None.

Further Consideration of Senate Bill No. 998

Senate Bill No. 998—An act to amend Sections 4573 and 4573.5 of, and to add Section 4573.6 to the Penal Code, relating to the bringing of narcotics, drugs, and alcoholic beverages into state and local prisons, and making possession of such articles within such institutions a felony.

Bill read third time.

Motion to Amend

Senator Kraft moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out "or adjacent".

Amendment No. 2

On page 1, line 25, of said bill, strike out "or adjacent".

Amendment No. 3

On page 2, line 19, of said bill, strike out "or adjacent".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Chief Assistant Secretary Cleve V. Taylor at the Desk

THIRD READING OF SENATE BILLS

Senate Bill No. 1496—An act to amend Sections 101, 102, 103, 148, 309, 361, 452, 453, 454, 455, 456, 457, 458 of the Military and Veterans Code, relating to the adoption of federal laws and customs in the control of the militia, the adoption of the federal Articles of War, the adoption of rules and regulations for the control of the militia, the adoption of the federal system of discipline, the convening and jurisdiction of courts-martial, the approval of sentences and the disposition of records, courts of inquiry and bad-conduct discharges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Alshin, Brand, Brown, Michael J. Burns, Coombs, Crittenden, Cunningham, DeLoach, Dillinger, Edwards, Farnell, Frost, Gibson, Hatfield, House, Johnson, Kraft, Kuehn, Kraft, Miller, Powers, Ross, Sutton, Swing, Ward, Watson, Westcott, and Williamson—28.

NAYES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1495—An act to amend Sections 125, 127, 324, 325, 369, 397, 408, 449, 612, and 615 of the Military and Veterans Code and to amend Section 718 of the Civil Code, relating to the military forces of the State, including the exemption from military service, the detail of federal officers for service with the National Guard or Naval Militia, the detail of officers for special duty and waiver of part of compensation, performance of emergency service, the performance of military duty on election day, the passage of the National Guard through toll bridges and on ferries, the declaration of places as "off limits," the leasing of property owned by a municipality for a term not to exceed fifty years for military or armory purposes, the colors and standards of organizations of the National Guard, the delivery of the colors to members of the family of a deceased member of the National Guard, the use of the National Flag, and assignment of command.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Dilworth asked for, and was granted, unanimous consent to have Senate Constitutional Amendment No. 5 passed on file and retain its place on file until Monday, March 28, 1949.

Senate Bill No. 75—An act to amend Section 381 of the Vehicle Code, relating to penalties for failure to renew licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Swing, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 330—An act to amend Sections 20017, 20021.5, 20023, 20025, 20060, 20203, 20208, 20333, 20335, 20393, 20461.5, 20532, 20563, 20580, 20583, 20630, 20654, 20655, 20656, 20750.1, 20750.2, 20750.3, 20750.4, 20867, 20894.1, 21029, 21032, 21033, 21250, 21251, 21257, 21257.1, 21258, 21295, 21364, 21366, and 21454 of the Government Code, to repeal Sections 20654.5, 20750, 21455, and Article 2.5, comprising Sections 21000 to 21002, inclusive, of Chapter 8 of Part 3 of Division 5 of Title 2 thereof, and to add Sections 20609.1, 20685, 20750.5, 21251.15, 21261, and 21262 thereto and Article 4, comprising Sections 21100 to 21103, inclusive, to Chapter 8 of Part 3 of Division 5 of Title 2 thereof, all relating to the State Employees' Retirement System.

Bill read third time.

Previous Question

Senator Keating moved the previous question.

Motion carried.

The question being on the final passage of Senate Bill No. 330.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 892—An act to amend Section 19.6 of the Fish and Game Code, relating to the Fish and Game Commission and extending the period during which its general regulatory powers shall continue in existence.

Motion to Refer Bill to Inactive File

Senator Williams moved that Senate Bill No. 892 be placed on the inactive file.

Motion carried.

Senate Bill No. 257—An act to amend Section 812.4 of the Agricultural Code, relating to standard containers for carrots.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 627—An act to amend Section 4 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended, relating to fines and obligations of officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Swing, Ward, Watson, Weybret, and Williams—25.

NOES—None.

Motion to Amend Title

Senator Jespersen moved the adoption of the following amendment to the title:

Amendment No. 1

In line 4 of the title of the printed bill, strike out "fines and obligations of officers," and insert "credit union loans to directors, officers and committee members."

Amendment read, and adopted.

Senate Bill No. 627 ordered printed, and transmitted to the Assembly.

Senate Bill No. 974—An act to add Section 755.2 to the Insurance Code, relating to life, disability and surety insurance and the payment of commissions thereon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 977—An act to amend Section 1690 of the Insurance Code, relating to the issuance of restricted licenses to transact insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Drobish, Gibson, Hulse, Johnson, Keating, Kraft, Miller, Power, Rich, Swing, Ward, Watson, Weybret, and Williams—23.

NOES—Senators Coombs, Donnelly, Hatfield, Jespersen, Judah, and Sutton—6.

Bill ordered transmitted to the Assembly.

Senate Bill No. 4—An act to amend Section 28125 of the Government Code, relating to compensation for public services in counties of the twenty-fifth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 89—An act to amend Section 11 of the Conservation and Planning Act, relating to local planning commissions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Sutton, Swing, Ward, Weybret, and Williams—28.

NOES—Senator Watson—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 217—An act to add Section 3720.1 to the Political Code, relating to the creation, and changes of boundaries, of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1118—An act to amend Section 28143 of the Government Code, relating to compensation for public services in counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 39—Relative to making additional funds available to the Legislative Budget Committee, established by Senate Concurrent Resolution No. 7 (Res. Ch. 75, 1949).

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 24—Relative to memorializing the President of the United States, the Vice President of the United States and the Third Assistant Postmaster General at Washington, D. C., in relation to issuing special stamp commemorating heroism and self-sacrifice of Manly and Jayhawker parties.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Crittenden, Cunningham, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 321—An act to amend Section 28157 of the Government Code, relating to compensation for public services in counties of the fifty-seventh class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTIONS TO RECONSIDER (RESUMED)

Senate Bill No. 1216—An act to amend Section 19390 of the Government Code, relating to the right of state employees entering the military service to be restored to their former position and civil service status upon termination of such military service.

Motion to Reconsider Waived

Senator Coombs waived his motion to reconsider the vote whereby Senate Bill No. 1216 was passed.

Senate Bill No. 1216 ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1574—An act to add Sections 255 and 256 to the Agricultural Code, relating to bovine tuberculosis, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 8, of the printed bill as amended in Assembly March 10, 1949, strike out "shall", and insert "may".

Amendment No. 2

On page 1, line 11, of said bill, after the period, insert "The premises, or portion thereof infected, shall be identified in the notice."

Amendment No. 3

On page 1, line 13, of said bill, strike out "and/or examinations", and insert "or examinations, or both".

Amendments read, and adopted.

Bill ordered re-printed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 47

Senator Williams moved that Senate Bill No. 47 be withdrawn from Committee on Local Government for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 47—An act to repeal Sections 27206, 27207, 27208, and 27209 of the Government Code, relating to duties of county recorders.

Bill read second time.

Motion to Amend

Senator Williams moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "27209", insert "; and to add Chapter 13.5, comprising Sections 26250, 26251, 26252, and 26253, to Part 2, Division 2, Title 3,".

Amendment No. 2

On page 1 of said bill, after line 2, insert

"CHAPTER 13.5. NEWSPAPERS

26250. The board of supervisors shall select a county officer who shall subscribe for one or more newspapers (not to exceed three), printed and published in the county. The board shall select the newspaper, or newspapers, for which the officer shall subscribe.

26251. Such officer shall receive and preserve all copies of the papers subscribed for, and from time to time cause them to be properly arranged and bound in volumes of convenient size in a substantial manner. When bound the volumes shall be kept in his office for the use of the courts when needed, of strangers, and of the inhabitants of the county, all of whom shall have access thereto at all times during office hours free of charge.

This section does not prevent the destruction and preservation of said newspapers in the manner, and under the circumstances, set forth in Section 26205 of this code.

26252. The subscription price for the newspapers and the cost of binding the several volumes, or other method of preservation, shall be paid out of the general fund of the county, in the same manner as other charges are audited and allowed by the board of supervisors. In any county in which the officer selected by the board is compensated by a salary, the expense of procuring and preserving the newspapers shall be paid in the same manner as stationery and book expense for his office is paid.

26253. Any person who wilfully abstracts, destroys, mutilates, or defaces any number or volume of newspapers purchased pursuant to this chapter is guilty of a misdemeanor. One half of any fine that may be imposed shall be paid into the school fund of the county in which the offender is convicted, and the other half to the person who makes the complaint."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 363

Senator Donnelly moved that Senate Bill No. 363 be withdrawn from Committee on Agriculture for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 363—An act to amend Section 464 of the Agricultural Code, relating to milk and milk products.

Bill read second time.

Motion to Amend

Senator Donnelly moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 464 of", and insert "add Section 460.6 to".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 11, inclusive, and insert

"SECTION 1. Section 460.6 is added to the Agricultural Code, to read:

460.6. Nothing contained in this division shall prohibit the freezing and holding in cold storage of market goat milk and its subsequent sale as market milk if at the time of sale it meets all standards and requirements specified in this division for market milk."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1412

Senator Gibson moved that Senate Bill No. 1412 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1412—An act to authorize a suit against the State of California to quiet title to certain land in the County of Solano.

Bill read second time.

Motion to Amend

Senator Gibson moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "to authorize a suit against the State of California", and insert "relative".

Amendment No. 2

In line 2 of the title of said bill, strike out "to certain land in the County of Solano", and insert "actions against the State of California to lands heretofore abandoned by the State and conveyed by an agency of the State".

Amendment No. 3

On page 1 of said bill, strike out lines 1 to 5, inclusive, and insert

"SECTION 1. Any person claiming any interest in real property which has been abandoned by the State of California and has heretofore been conveyed by an agency of the State pursuant to any act of the Legislature of the State of California authorizing such abandonment and conveyance may bring an action to quiet title to such real property against the State of California in the superior court of the State of California having jurisdiction thereof in any case where the State of California claims or appears to have any interest in said property. The State of California may be joined as a party defendant with one or more other defendants.

SEC. 2. Any action brought under the provisions of this act must be commenced within one year from the effective date hereof.

SEC. 3. Service of summons in any such suit shall be upon the Chairman of the State Lands Commission and Attorney General and it shall be the duty of the Attorney General to represent the State in such suit.

SEC. 4. All costs and expenses of such action, including the charges of the Attorney General in the defense thereof, shall be borne by the plaintiff in any such action."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 24

Senate Bill No. 1135

Senate Bill No. 198

Senate Bill No. 1283

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 75

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1054

Senate Bill No. 1060

Senate Bill No. 1062

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Judiciary.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills re-referred to Committee on Judiciary.

SENATE CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 280

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 60

Senate Bill No. 1031

Senate Bill No. 268

Assembly Bill No. 1813

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:

Senate Bill No. 1420

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 234

Senate Bill No. 235

Senate Bill No. 238

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 653

Senate Bill No. 161

Senate Bill No. 230

Senate Bill No. 187

Senate Bill No. 674

Assembly Bill No. 998

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 11.15 a.m., on motion of Senator Powers, the President declared the Senate adjourned until 2 p.m., Monday, March 28, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-SEVENTH LEGISLATIVE DAY

EIGHTY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, March 28, 1949

The Senate met at 2 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

Quorum present.

PRAYER

Upon invitation of the President, prayer was offered by Rev. Dr. Clarence A. Kircher, minister of the Westminster Presbyterian Church.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Dorsey, on motion of Senator Powers, due to illness.

Senator Johnson, on motion of Senator Powers, due to illness.

Senator Busch, on motion of Senator Powers, due to legislative business.

MOTION TO PRINT NAMES OF GUESTS IN JOURNAL

Senator Salsman moved that there be inserted in the Journal of this day's proceedings the following guests: These were omitted from the Journal of March 25, 1949, as the names were not available. E. Buchser, Superintendent; Mrs. Buchser, Miss J. McLeish, Mrs. S. McKee, P. Dougherty, and the following students of the Santa Clara Union High School of Santa Clara: Noreen Adams, Norine Berg, Daisy Borghi, Jeanine Bottorff, Gertrude Bridgham, Angie Cirigliano, Betty

Clark, Barbara Diez, Margaret Diez, Clorinda DiLonardo, Lena DiLonardo, Zada Douglass, Pat Enos, Joyce Fernandez, Ellen Garcia, Gerry Gonzales, Kathlyn Hayley, Bertha Hee, Mary Louise Ibach, Ann Jacobs, Ruth Kiesel, Inez Nunes, Marilyn Orr, Marlene Pasquinelli, Mary Lou Patti, Tomy Pierce, Marlene Reynolds, Laura Romero, Helen Santos, Patty Taketa, Josephine Tralongo, Dorothy Turner, Betsy Van Dalsen, Betty Walling, Lorilea Williams, and Betty Wingert.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Frank L. Gordon of Napa Valley.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edwin London, teacher, Mrs. George Walker, Mrs. Marie Broderick, Mrs. Isabel Stables, Mrs. Jack Ferrari and the following students of the Yreka High School of Yreka: Jerre Turre, Lyle Foster, Sherril Harrison, Carolyn Martin, Marie Michelin, Thelma Fiock, Alferd McCann, Maxine Cardoza, Idebelle Frost, Louie Machado, Corrine Sadler, Lynn Thomason, Judy Barr, Marie Broderick, Charline Calkins, Lucreita Churchill, Betty Davis, Dan Girdner, Jean Hallmark, Nancy Harris, James Harvey, Ruby Kice, Pat McKenzie, Ray Ruth, Dorothy Smith, Joan Stables, Leland Stickney, Norma Lee Urback, Jay Williams, Jere Brooks, Mary Chinozzo, and James McNames.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Nevin Otis, teacher and the following eighth grade students of Bellota School of San Andreas: Kathleen Webb, Audrey Anderson and Wilma Apple.

On request of Senator Watson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Glen E. McCloud and L. J. Kelly of Anaheim.

On request of Senator Hugh M. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Al Nathan of Fresno.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Carlene Bjorklund of Turlock and Miss Rosemary Donnelly, daughter of Senator Donnelly.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Albert F. Skelly of San Francisco.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edward V. Mocco, Donald Younger, of Santa Cruz and Matt Mello of Watsonville.

On request of Senator Gibson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Spiering of Sacramento.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 100
Assembly Bill No. 101
Assembly Bill No. 239
Assembly Bill No. 297
Assembly Bill No. 299
Assembly Bill No. 300
Assembly Bill No. 301
Assembly Bill No. 347
Assembly Bill No. 407
Assembly Bill No. 494

Assembly Bill No. 618
Assembly Bill No. 748
Assembly Bill No. 920
Assembly Bill No. 926
Assembly Bill No. 1078
Assembly Bill No. 1161
Assembly Bill No. 1253
Assembly Bill No. 1255
Assembly Bill No. 2387

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 29

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 100—An act to amend Section 5470 of the Health and Safety Code, relating to sewer rental charges and the use of moneys received therefrom.

Referred to Committee on Local Government.

Assembly Bill No. 101—An act to amend Section 770 of the Vehicle Code, relating to disposition by cities of certain fines and forfeitures.

Referred to Committee on Local Government.

Assembly Bill No. 239—An act to require that consideration be given to airport needs of a community when zoning ordinances are proposed, and declaring such ordinances ineffective when such consideration is not given.

Referred to Committee on Local Government.

Assembly Bill No. 297—An act to amend Sections 7930 and 7931 of the Elections Code, relating to canvass of election returns.

Referred to Committee on Elections.

Assembly Bill No. 299—An act to repeal Section 7103 of, and to amend Section 7104 of, the Elections Code, relating to the return of precinct supplies to the county clerk.

Referred to Committee on Elections.

Assembly Bill No. 300—An act to amend Sections 4530 and 4536 of the Elections Code, relating to campaign expenditures.

Referred to Committee on Elections.

Assembly Bill No. 301—An act to amend Section 2571 of the Elections Code, relating to registration of voters.

Referred to Committee on Elections.

Assembly Bill No. 347—An act authorizing the State Lands Commission to exchange property of the State of California for property of Marin County.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 407—An act to add Section 587.6 to the Vehicle Code, relating to fire hoses.

Referred to Committee on Transportation.

Assembly Bill No. 494—An act to amend Section 370 of the Elections Code, relating to the registration of voters.

Referred to Committee on Elections.

Assembly Bill No. 618—An act to amend Sections 511.3, 515, and 601.5 of, and to repeal Sections 511.6 of the Vehicle Code, relating to speed regulations.

Referred to Committee on Transportation.

Assembly Bill No. 748—An act to add Section 10007 to the Penal Code, relating to inspection of public prisons and other custodial facilities and public institutions.

Referred to Committee on Judiciary.

Assembly Bill No. 920—An act to amend Section 108 of the Agricultural Code, relating to the control or eradication of pests.

Referred to Committee on Agriculture.

Assembly Bill No. 926—An act to provide for the transfer of the Napa State Farm to the Department of Mental Hygiene and the vesting of control and disposition of the water rights of the Napa State Farm in the Department of Finance, amending Section 154 of, and adding Division 8 to, the Welfare and Institutions Code and repealing Article 5 of Chapter 2, Part 3, Division 3, Title 2 of the Government Code, all relating to the Napa State Farm, and to repeal. "An act to provide for the control of certain property of the State in Napa County by the Fish and Game Commission," approved May 27, 1943.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1078—An act providing for the compilation, publication, and distribution of a State Blue Book.

Referred to Committee on Rules.

Assembly Bill No. 1161—An act to amend Section 331 of the Elections Code, relating to affidavits of registration.

Referred to Committee on Elections.

Assembly Bill No. 1253—An act to amend Section 5 of the Public Utility District Act of 1921, relating to public utility districts.

Referred to Committee on Public Utilities.

Assembly Bill No. 1255—An act to amend Section 51a of the Public Utility District Act of 1921, relating to public utility districts.

Referred to Committee on Public Utilities.

Assembly Bill No. 2387—An act to amend Section 5 of the Public Utility District Act, relating to hearings on petitions for organization of public utilities districts.

Referred to Committee on Public Utilities.

Assembly Joint Resolution No. 29—Relative to the work of Dr. Ralph Johnson Bunche in bringing about a peaceful settlement of the Arabian-Israeli dispute.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 125

Assembly Bill No. 608

Assembly Bill No. 619

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 125—An act to amend Sections 4452, 4453, and 4656 of the Labor Code, dealing with workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 608—An act to amend Sections 271.2, 304, 307, 311, and 332 of the Vehicle Code, relating to the licensing of drivers of motor vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 619—An act to amend Sections 525, 525.1, and 540 of, and to add Section 525.2 to the Vehicle Code, relating to the driving of vehicles on highways.

Referred to Committee on Transportation.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 25, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 32

Senate Bill No. 379

Senate Bill No. 313

Senate Bill No. 466

Senate Bill No. 375

Senate Bill No. 467

Senate Bill No. 378

Senate Bill No. 1066

Senate Constitutional Amendment No. 6

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 28, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 998

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, March 28, 1949

MR. PRESIDENT: The Committee on Water Resources, to which were referred:

Senate Bill No. 1082

Senate Bill No. 1087

Senate Bill No. 1083

Senate Bill No. 1088

Senate Bill No. 1084

Senate Bill No. 1089

Senate Bill No. 1085

Senate Bill No. 1090

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

DONNELLY, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 28, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:

Senate Bill No. 1379

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

DONNELLY, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 28, 1949

MR. PRESIDENT: The Committee on Water Resources, to which were referred:

Senate Bill No. 704

Senate Bill No. 1094

Senate Bill No. 1086

Senate Bill No. 1095

Senate Bill No. 1091

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

DONNELLY, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 28, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:

Senate Bill No. 714

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

DONNELLY, Chairman

Above reported bill ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, March 28, 1949

MR. PRESIDENT: The Committee on Elections, to which were referred:

Senate Bill No. 983

Senate Bill No. 985

Senate Bill No. 984

Senate Bill No. 1423

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

WEYBRET, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 28, 1949

MR. PRESIDENT: The Committee on Elections, to which were referred:

Senate Bill No. 980

Senate Bill No. 1462

Assembly Bill No. 372

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

WEYBRET, Chairman

Above reported bills ordered to second reading.

MOTION TO APPROVE JOURNALS

Senator Powers moved that the Journals for Monday, March 21, 1949; Tuesday, March 22, 1949; Wednesday, March 23, 1949; Thursday, March 24, 1949; and Friday, March 25, 1949, be approved as corrected by the Minute Clerk and the Journal Clerk.

Motion carried.

**WITHDRAWAL AND RE-REFERENCE OF SENATE BILLS
NOS. 1055, 1056, 1057, AND 1061**

Senator Keating moved that Senate Bills Nos. 1055, 1056, 1057, and 1061, be withdrawn from Committee on Local Government and referred to Committee on Judiciary.

Motion carried.

**CONSIDERATION OF DAILY FILE
MOTIONS TO RECONSIDER**

Senate Bill No. 347—An act to amend Section 13143 of the Health and Safety Code, relating to preparation and adoption of fire safety regulations.

Motion to Reconsider Waived

Senator Crittenden waived his motion to reconsider the vote whereby Senate Bill No. 347 was passed.

Senate Bill No. 347 ordered transmitted to Assembly.

SECOND READING OF SENATE BILLS

Senate Bill No. 685—An act to add Section 5044.5 to the Education Code, relating to school district public works.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 850—An act to add Chapter 1.6 to Division 3 of the Education Code, providing for school district public works, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 4, line 41, of the printed bill, after "if", insert "the district is eligible for an apportionment under this chapter and".

Amendment No. 2

On page 2, line 11, of said bill, after "Building", insert "Loan".

Amendment No. 3

On page 2, line 24, of said bill, after "Building", insert "Loan".

Amendment No. 4

On page 3 of said bill, between lines 9 and 10, insert

"The director shall determine the school district's financial ability to meet all or a portion of the cost of the project and the amount which the school district can contribute toward the cost of the project out of its available funds, and shall submit his report thereon to the board."

Amendment No. 5

On page 3, line 19, of said bill, strike out "apportionment", and insert "application".

Amendment No. 6

On page 6, line 31, of said bill, after "Building", insert "Loan".

Amendment No. 7

On page 7, line 2, of said bill, strike out "building", and insert "buildings".

Amendment No. 8

On page 8, line 2, of said bill, after "Building", insert "Loan".

Amendment No. 9

On page 8, line 30, of said bill, strike out "revolving".

Amendment No. 10

On page 8, line 31, of said bill, after "Building", insert "Loan".

Amendment No. 11

On page 8, line 35, of said bill, after "district", insert "exactly as apportioned by the board and".

Amendment No. 12

On page 8, line 51, of said bill, after "to", insert "the board".

Amendment No. 13

On page 9, line 14, of said bill, after "Building", insert "Loan".

Amendment No. 14

On page 9, line 42, of said bill, after "Building", insert "Loan".

Amendment No. 15

On page 9 of said bill, between lines 43 and 44, insert

"5073. Whenever a school district receives an apportionment under this chapter for the purchase or improvement of a school building site and within a period of three years after the date on which the warrant covering the apportionment was drawn on the State Treasurer from the Public School Building Loan Fund, sells or otherwise disposes of such site or any portion thereof purchased or improved in whole or in part from such apportionment, or within said period of three years does not begin to use such site for the purpose or purposes for which such apportionment was made, the board shall demand the return by the school district of the total amount apportioned and received by the school district for such purpose or purposes or, in the case of a sale of a portion of such site, a proportionate share of such apportionment, taking into consideration any improvement of the site from such apportionment."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 116—An act to provide for leasing additional facilities and service for the extension, maintenance, and operation of the teletypewriter system of communication by the State Department of Justice, and to make an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "...", and insert "San Leandro Police Department, Escondido Police Department, Coronado Police Department, Plumas County Sheriff's Office, Monterey County Sheriff's Office Substation at Monterey, Lassen County Sheriff's Office, Portola Police Department, Watsonville Police Department, San Bernardino Sheriff's Office Substations at Needles and Barstow, Brawley Police Department, Tulare Police Department, Long Beach Police Department, Del Norte County Sheriff's Office, Nevada County Sheriff's Office, Sierra County Sheriff's Office, Palo Alto Police Department, Lake County Sheriff's Office, and Alpine County Sheriff's Office."

Amendment No. 2

On page 1, line 5, of the printed bill, strike out "five hundred ninety-one", and insert "thirty-one thousand three hundred seventy-nine".

Amendment No. 3

On page 1, line 6, of the printed bill, strike out "sixty," and insert "four".

Amendment No. 4

On page 1, line 6, of the printed bill, strike out "(\$591.60)", and insert "(\$31,379.04)".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1099—An act to amend Section 13 of an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights of way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, as amended (Chapter 47, Statutes of 1944), relating to the submission of plans.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 8, inclusive, and insert

"Sec. 13. A copy of each completed plan for which a local agency desires or has received aid under this act shall be delivered to the board [and to the State Reconstruction and Reemployment Commission]. The board shall examine or cause to be examined the plan and may make such recommendations to the local agency for the local agency's consideration as the board thinks proper."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1100—An act to amend Section 23 of the Construction and Employment Act, relating to approval by the State Allocation Board of assignments of allocations between agencies for the construction of public works.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 19, inclusive, and insert "Sec. 23. A local agency may by resolution [~~certified copies of which it files with the Controller, the director, the board and the assignee, assign~~] request the board to approve an assignment of the money allocated to it under this act, or any portion thereof, to any other local agency or to any governmental unit or district in this State either for the sole use of such assignee or for use by the assignee acting in behalf of any local agency, governmental unit or district or of any combination thereof, including or excluding the assigning local agency. Such assignment shall become effective only upon approval thereof by the board and may not thereafter be revoked unless the board, upon request of the assigning local agency, certifies to the assigning local agency, the assignee, the director and the Controller, that there is good cause for such revocation and specifies what should be done with the work done and how to arrange for audit and settlement [for] of the assignee's expenditures, unused money, and activities. Money unused by the assignee shall be credited to the allocation of the assigning agency."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 220—An act to amend Sections 11090 and 11091 of the Government Code, relating to state agency reports.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 280—An act to add Article 5 to Chapter 2, Division 4, Title 1 of the Government Code, relating to public employees' loyalty oaths.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 1, of the printed bill, as amended in Senate, March 21, 1949, after "Chapter", strike out "1" and insert "2".

Amendment No. 2

On page 2, line 18, of said bill, as amended, strike out "12", and insert "13".

Amendment No. 3

On page 2, line 23, of said bill, following "employment", and preceding the period, insert ", but there shall be a 30-day renewal period at the end of the year and filing within such thirty-day period shall be sufficient compliance with this section".

Amendment No. 4

On page 2, line 25, of said bill, strike out "Secretary of State", and insert "State Personnel Board".

Amendment No. 5

On page 2 of said bill, between lines 28 and 29, insert

"The affidavit may be taken before any officer authorized by law to administer oaths or before any superior of any public employee, provided such superior has theretofore filed the affidavit required by this article."

Amendment No. 6

On page 2, after line 31, of said bill, as amended in the Senate March 21, 1949, insert

"1404.5. The compliance of an employee of a school district employed in a position requiring certification qualifications with the requirements of Section 12100 shall be deemed compliance with this article."

Amendment No. 7

On page 2, line 2, of said bill, as amended, after "subdivision", insert ", including public districts,".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 60—An act to add Section 6904 to the Education Code, relating to the crediting of average daily attendance, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 268—An act to amend Section 4629 of the Education Code, relating to unified school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1031—An act to amend Section 21604 of the Education Code, relating to state schools for cerebral palsied children.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1420—An act to amend Section 425 of the Education Code, relating to the salary and credential of the county superintendent of schools of a county of the twenty-fifth class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1 of the printed bill, strike out line 5, and insert "six thousand dollars (\$6,000), and he shall".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 653—An act to add Section 16006 to the Education Code, relating to the admission of pupils to school.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 10, of the printed bill, strike out "such as shall convince the authorities of the district", and strike out all of line 11 and insert a period.

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 230—An act to amend Section 13031.1 of the Education Code, relating to the filing or registration of certification documents.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 13031.1 of", and insert "Sections 12200 and 13031.1 of, and to repeal Section 13226 of,".

Amendment No. 2

In line 2 of the title of said bill, strike out "the filing or registration of certification documents", and insert "employment of persons in positions requiring certification qualifications".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 12200 of the Education Code is amended to read:

"12200. Each county or city and county board of education may provide for the registration of any [credential or life diploma issued by the State Board of Education] *valid certification or other document authorizing the holder thereof to serve in a position requiring certification qualifications as an employee of the county superintendent of schools of such county or city and county or of a school district under the jurisdiction of such county superintendent of schools.* Such registration shall be deemed to be the issuance of a certificate to the holder of such [credential or life diploma] *certification or other document.* Such registration shall authorize the service of the holder [in the county] *as an employee of the county superintendent of schools or of any school district under his jurisdiction* in the capacity in which and for the period of time for which the [credential or life diploma] *certification or other document* is valid.

SEC. 2. Section 13031.1 of said code is".

Amendment No. 4

On page 1, line 5, of said bill, strike out "in".

Amendment No. 5

On page 1, line 7, of said bill, strike out "file or".

Amendment No. 6

On page 1 of said bill, strike out lines 10 to 17, inclusive, and insert "employed, and must not later than thirty days after the renewal thereof, register the renewed certification document in the manner prescribed by this code. If any person so employed is the holder of a California state college, or state teachers college diploma, accompanied by the certificate of the State Board of Education, or of an educational or life diploma of his state, and has presented the same to, and has had his name recorded

by, the county superintendent of schools of the county as heretofore provided by this code, such person shall be deemed to have complied with the provisions of this paragraph.

If required by an order of the county board of education, he shall also have on file with the county superintendent of schools a certificate from a physician and surgeon licensed under Chapter 5 of Division 2 of the Business and Professions Code showing that he has submitted to a physical examination within three years last past and been found free from active tuberculosis.

Sec. 3. Section 13226 of said code is repealed."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 674—An act to provide for the expansion of publicly supported higher education and making an appropriation therefor, and to repeal an act entitled "An act establishing a four-year institution of higher education in the City of Sacramento, County of Sacramento," approved July 1, 1947 (Chapter 1017 of the Statutes of 1947), and an act entitled "An act making an appropriation for the establishment, equipment and maintenance of a four-year state institution of higher education at Sacramento," approved July 10, 1947 (Chapter 1349 of the Statutes of 1947), all relating to the system of publicly supported higher education, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "and making an appropriation therefor,".

Amendment No. 2

On page 1, lines 2 and 3, of said bill, strike out "or in the County of Sacramento adjacent to the City of Sacramento,".

Amendment No. 3

On page 2 of said bill, strike out lines 12 to 24, inclusive.

Amendment No. 4

On page 2, line 25, of said bill, strike out "and 6".

Amendment No. 5

On page 1, in line 11 of the title of the printed bill, strike out the comma and strike out line 12 and insert a period.

Amendment No. 6

On page 2 of said bill, strike out lines 25 and 26.

Amendment No. 7

On page 2, line 27, of said bill, strike out "SEC. 8." and insert "SEC. 6."

Amendment No. 8

On page 2 of said bill, strike out lines 29 to 50, inclusive, and strike out all of pages 3 and 4.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 161—An act to add Section 369 to the Education Code, relating to the retirement of county superintendents of schools, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "for", and insert "on account of".

Amendment No. 2

On page 1, line 18, of said bill, after "salary", insert "Contributions which would have been made by any county superintendent of schools, or by an employer on account of said superintendent, if this section had been in effect on and after September 19, 1947, shall be made in accordance with the provisions of this section."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 187—An act to amend Section 13424 of the Education Code, relating to the attendance of teachers upon teachers institutes.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1 of the printed bill, after "institute.", insert "Claims for traveling expenses are payable from the same fund as teachers' salaries upon verification and approval by the county superintendent of schools. When the institute is held during the time that teachers are employed in teaching, their pay shall not be diminished by reason of their attendance."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2421—An act to amend Section 19390 of the Government Code, relating to the right of state employees entering the military service to be restored to their former position and civil service status upon termination of such military service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2427—An act to amend Section 8802 of the Health and Safety Code, relating to cemetery associations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1813—An act to add Section 19314 to the Education Code, relating to retirement contributions of cafeteria employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 998—An act to add Section 20343.3 to the Education Code, relating to state college fees.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "and fees in the amount fixed by the Director of"; strike out all of line 6, and insert a period and the following: "A placement service fee in the amount fixed by the Director of Education may be charged former students using such service."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 431—An act to amend Section 13196 of the Government Code, relating to use of water of the Napa State Farm.

Bill read third time.

Motion to Amend

Senator Coombs moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 5, of the printed bill, after "California", insert a comma and the following: "provided, however, that water required for domestic use at the Home shall have first priority to the water available".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Dilworth asked for, and was granted, unanimous consent to have Senate Constitutional Amendment No. 5 passed on file and retain its place on file until Tuesday, March 29, 1949.

REQUEST FOR UNANIMOUS CONSENT

Senator Regan asked for, and was granted, unanimous consent to have Senate Bill No. 248 passed on file and retain its place on file until Tuesday, March 29, 1949.

Senate Bill No. 250—An act to amend Section 4167 of the Public Resources Code, relating to fire hazards in the vicinity of forest, brush, grass or grain covered land.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 71—An act to amend Section 827 of the Agricultural Code, relating to apple standards, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 223—An act to amend Section 813.5 of the Agricultural Code, relating to standards for celery.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 582—An act to amend Section 802 of the Agricultural Code, relating to standards for grapes, declaring the urgency of this act, to take effect immediately.

Motion to Refer Bill to Inactive File

Senator Hugh M. Burns moved that Senate Bill No. 582 be placed on the inactive file.

Motion carried.

Senate Bill No. 1135—An act to amend Section 802 of the Agricultural Code, relating to the maturity of grapes, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—34.

NOES—Senator Dilworth—1.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Salsman, Sutton, Swing, Ward, Watson, and Weybret—29.

NOES—Senators Dilworth, Hulse, and Kraft—3.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1283—An act to add Section 725 to the Insurance Code, relating to the regulation of interlocking directors of insurance companies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

—AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Gibson, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, and Weybret—30.

NOES—Senator Drobish—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 859—An act to amend Sections 736 and 12903.5 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 861—An act to amend Section 1858.6 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 862—An act to amend Section 1020 of the Insurance Code, relating to insolvency and delinquency proceedings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Powers, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 789—An act to amend Sections 10170 and 10375 of the Insurance Code, relating to life and disability policies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1066—An act to repeal Chapter 8, comprising Sections 1131 to 1136, inclusive, of Part 3 of Division 2 of the Labor Code, and to add a new Chapter 8 to Part 3 of Division 2 of that code, comprising Sections 1131 to 1140, relating to hot cargo and secondary boycotts.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill, as amended in Senate March 16, 1949, strike out "1140, relating to hot cargo and" and strike out line 5 of said title, and insert "1139, relating to labor disputes and the policy of the State with respect to the conduct thereof, prohibiting certain types of activities in connection therewith, and providing injunctive and other relief for persons injured by violations thereof."

Amendment No. 2

On page 3 of said bill, strike out lines 18 to 23, inclusive.

Amendment No. 3

On page 3, line 24, of said bill, strike out "1137", and insert "1136".

Amendment No. 4

On page 3, line 29, of said bill, strike out "1138", and insert "1137".

Amendment No. 5

On page 4, line 1, of said bill, strike out "1139", and insert "1138".

Amendment No. 6

On page 4, line 4, of said bill, strike out "1140", and insert "1139".

Amendments read.

Motion to Print Amendments and Re-refer Senate Bill No. 1066 to Committee

Senator O'Gara moved that the amendments to Senate Bill No. 1066, offered by Senator Hatfield, be printed in the Journal and the bill be re-referred to the Committee on Labor for further study of the bill and the amendments.

Amendments Withdrawn

Senator Hatfield withdrew his amendments to Senate Bill No. 1066.

The President ruled that the withdrawal of the amendments offered by Senator Hatfield to Senate Bill No. 1066 nullifies the effect of the motion by Senator O'Gara.

Motion to Set Special Order

Senator Hatfield moved that Senate Bill No. 1066 be made a special order of business for Thursday, March 31, 1949, at 2.15 p.m.

Motion carried.

Senate Bill No. 24—An act to add Article 5 to Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the State Capitol Building, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 313—An act to amend Section 39 of the Unemployment Insurance Act, relating to employer's contributions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Judah, Kraft, Parkman, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—22.

NOES—Senators Dillinger, Drobish, Jespersen, Miller, O'Gara, Powers, and Regan—7.

Bill ordered transmitted to the Assembly.

Senate Bill No. 378—An act to amend Section 39.1 of the Unemployment Insurance Act, relating to benefits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Judah, Keating, Parkman, Powers, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—23.

NOES—Senators Dillinger, Drobish, Jespersen, Miller, O'Gara, and Regan—6.

Bill ordered transmitted to the Assembly.

Senate Bill No. 375—An act to amend Section 58 of the Unemployment Insurance Act, relating to disqualification for benefits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, O'Gara, Parkman, Regan, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—Senator Miller—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 379—An act to amend Section 67 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Judah, Kraft, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—Senators Jespersen, Miller, and O'Gara—3.

Bill ordered transmitted to the Assembly.

Senate Bill No. 466—An act to amend Section 44 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Coombs, Cunningham, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Judah, Kraft, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—24.

NOES—Senators Crittenden, Dillinger, Jespersen, Miller, and O'Gara—5.

Bill ordered transmitted to the Assembly.

Senate Bill No. 381—An act to amend Sections 7406, 10375, and 10453 and to repeal Section 10377 of the Health and Safety Code, relating to death certificates.

Bill read third time.

Motion to Amend

Senator Judah moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill, between lines 14 and 15, insert
“(12a) Birthplace of father; at least state or foreign country, if known.”

Amendment No. 2

On page 2 of said bill, between lines 17 and 18, insert
“(13a) Birthplace of mother, at least state or foreign country, if known.”

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 467—An act to amend Section 45.12 of the Unemployment Insurance Act, relating to the release of subordination of liens.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Judah, Kraft, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 32—An act to amend Section 7211 of the Business and Professions Code, relating to the Guide Dog Fund.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 13, of the printed bill, strike out “Sec. 2.”

Amendment No. 2

On page 1, line 13, of said bill, strike out “act”, and insert “chapter”.

Amendment No. 3

On page 1, line 15, of said bill, before “The”, insert “Sec. 2.”

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 470—An act to amend Section 12126 of the Education Code, relating to credentials authorizing service in the public schools.

Bill read third time.

Motion to Amend

Senator Dilworth moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out "therein", and insert "on the provisions and principles of the Constitution of the United States".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 4 of Article XXIV thereof, relating to exemptions from state civil service.

Resolution read.

Motion to Amend

Senator Swing moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 2, of the printed measure, strike out "Fifty-seventh", and insert "1949".

Amendment No. 2

On page 1, line 3, of said measure, strike out "sixth day of January, 1947," and insert "third day of January, 1949,".

Amendments read, and adopted.

Resolution ordered printed, re-engrossed, and to third reading.

Senate Bill No. 998—An act to amend Sections 4573 and 4573.5 of, and to add Section 4573.6 to the Penal Code, relating to the bringing of narcotics, drugs, and alcoholic beverages into state and local prisons, and making possession of such articles within such institutions a felony.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Kraft, McBride, Miller, O'Gara, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 198—An act to add Chapter 3 to Part 8, Division 1 of the Revenue and Taxation Code, relating to the distribution of property tax levies and collections on the secured roll.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1314—An act to amend Section 802 of the Agricultural Code, relating to standards for grapes, declaring the urgency of this act, to take effect immediately.

Bill read third time, and presented by Senator Hugh M. Burns.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Judah, Kraft, McBride, Miller, O'Gara, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Judah, Kraft, McBride, Miller, O'Gara, Powers, Regan, Salsman, Swing, Tenney, Watson, Welybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1574—An act to add Sections 255 and 256 to the Agricultural Code, relating to bovine tuberculosis, declaring the urgency of this act, to take effect immediately.

Bill read third time, and presented by Senator Hatfield.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Ward, Watson, and Williams—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Abshire asked for, and was granted, unanimous consent to have Senate Bill No. 691 passed on file and retain its place on file until Tuesday, March 29, 1949.

REQUEST FOR UNANIMOUS CONSENT

Senator Regan asked for, and was granted, unanimous consent to have Senate Bill No. 1117 passed on file and retain its place on file until Tuesday, March 29, 1949.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 249

Senator Regan moved that Senate Bill No. 249 be withdrawn from Committee on Natural Resources for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 249—An act to amend Section 4165 of the Public Resources Code, relating to fire protection and regulating the disposal of waste material.

Bill read second time.

Motion to Amend

Senator Regan moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out line 15, and insert "gence in the disposal of inflammable material incident to such processing, so that said mate-".

Amendment No. 2

On page 1 of said bill, strike out lines 21 to 23, inclusive, and insert "pose of inflammable material incident to such operation. Whenever such inflammable material is not to be used as fuel or processed into a by-product of the operation, it shall be disposed of by burning. Such disposal of waste inflammable material shall be made by means of fire in the following manner: (1) in an enclosed device effective in preventing the spread".

Amendment No. 3

On page 2, line 1, of said bill, strike out "safe".

Amendment No. 4

On page 2 of said bill, strike out line 2, and insert "pile or structure, determined to be safe by mutual agreement between the operator and the State Forester or his legal representative; except that living trees at a safe distance which have been mutually determined and agreed to by the operator and the State Forester or his legal representative".

Amendment No. 5

On page 2, line 5, of said bill, strike out "done", and insert "made".

Amendment No. 6

On page 2 of said bill, strike out line 6, and insert "with said processing operation and in conformance with the provisions of Section 4153 of this".

Amendment No. 7

On page 2 of said bill, strike out lines 8 to 11 inclusive, and insert "Should the operator and the State Forester or his legal representative be unable mutually to agree upon the safe distance to be determined under (2) above, the District Forest Practice Committee shall make such determination in the forest district in which the operation is conducted."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 411

Senator Keating moved that Senate Bill No. 411 be withdrawn from Committee on Public Health and Safety for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 411—An act to add Chapter 7 to Division 20 of the Health and Safety Code, relating to acts affecting fire protection agencies.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out lines 14 to 22, inclusive, and insert "25501. Any person or public utility, or the State or any local governmental unit performing any work which makes impassable any street, roadway, highway, alley or alleyway, for the use of fire department equipment, shall, before starting such work, notify each fire department, fire protection district or fire suppression unit which might be affected, the exact location and time of such work."

Amendment No. 2

On page 1 of said bill, after line 22, insert "25502. This chapter shall apply only in the unincorporated areas of the State where no local ordinance or working agreement exists."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 992

Senator Kraft moved that Senate Bill No. 992 be withdrawn from Committee on Education for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 992—An act to amend Section 1303 of the Education Code, relating to terms of superintendents of schools.

Bill read second time.

Motion to Amend

Senator Kraft moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "At the end of any school year any superintendent's", and strike out lines 8, 9, 10, and 11, and insert "The governing board of any school district may at any time with the consent of the superintendent terminate the then existing term of employment of such superintendent, associate superintendent, assistant superintendent or district superintendent and any contract which may have been entered into with such superintendent in order to reelect him to a new term to become effective on the first day of July next succeeding his reelection with such changes in terms and conditions of employment as may be mutually acceptable to both parties."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 123
Assembly Bill No. 467
Assembly Bill No. 695
Assembly Bill No. 697
Assembly Bill No. 704
Assembly Bill No. 705
Assembly Bill No. 725
Assembly Bill No. 1203
Assembly Bill No. 1208
Assembly Bill No. 1209

Assembly Bill No. 1210
Assembly Bill No. 1393
Assembly Bill No. 1394
Assembly Bill No. 1631
Assembly Bill No. 1720
Assembly Bill No. 1721
Assembly Bill No. 1722
Assembly Bill No. 1766
Assembly Bill No. 2146
Assembly Bill No. 2945

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 123—An act to amend Section 4661 of the Labor Code, dealing with workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 467—An act to amend Section 3045 of the Penal Code, relating to paroles.

Referred to Committee on Judiciary.

Assembly Bill No. 695—An act to amend Section 1126 of the Probate Code, relating to testamentary trusts.

Referred to Committee on Judiciary.

Assembly Bill No. 697—An act to amend Section 645 of the Probate Code, relating to the setting aside of estates without administration.

Referred to Committee on Judiciary.

Assembly Bill No. 704—An act to amend Section 1570 of the Probate Code, relating to the appointment of guardians for minors and insane or incompetent persons.

Referred to Committee on Judiciary.

Assembly Bill No. 705—An act to amend Section 801 of the Probate Code, relating to the sale of property in probate.

Referred to Committee on Judiciary.

Assembly Bill No. 725—An act to add Section 19333 to the Government Code, relating to authorizing absences from veterans' homes.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1203—An act to amend Sections 163, 164, 167, 168, 175, 180, 187, 223, 224, 252, and 253 of, and to add Section 212 to, the Military and Veterans Code, relating to the military forces of the State.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1208—An act to amend Sections 125, 127, 324, 325, 369, 398, 439, 612, and 615 of the Military and Veterans Code and to amend Section 718e of the Civil Code, relating to the military forces of the State, including the exemption from military service, the detail of federal officers for service with the National Guard or Naval Militia, the detail of officers for special duty and waiver of part of compensation, performance of emergency service, the performance of military duty on election day, the declaration of places as "off limits," the leasing of property owned by a municipality for a term not to exceed fifty years for military or armory purposes, the colors and standards of organizations of the National Guard, the delivery of the colors to members of the family of a deceased member of the National Guard, the use of the National Flag, and assignment of command.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1209—An act to amend Sections 101, 102, 103, 148, 360, 361, 452, 453, 454, 455, 456, 457, 458 of the Military and Veterans Code, relating to the adoption of federal laws and customs in the control of the militia, the adoption of the federal Articles of War, the adoption of rules and regulations for the control of the militia, the adoption of the federal system of discipline, the convening and jurisdiction of courts-martial, the approval of sentences and the disposition of records, courts of inquiry, and bad-conduct discharges.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1210—An act to amend Sections 210, 225, 250, 254, 261, 262, 269, and to repeal Section 322 of the Military and Veterans Code, relating to the organization of the National Guard, precedence in rank, separation of personnel from service, the qualification for enlistment, the transfer and reduction of members of the National Guard, discharge certificates, the dishonorable discharge of members of the military or naval service of the State and the effect thereof and the pay of members of the National Guard while attending camps of instruction, drills or parades.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1393—An act to add Section 373.5 to the Code of Civil Procedure, relating to the appointment and compensation of guardian ad litem for unborn and unascertained persons.

Referred to Committee on Judiciary.

Assembly Bill No. 1394—An act to amend Sections 27320 and 27321 of the Government Code, relating to the recordation of instruments.

Referred to Committee on Judiciary.

Assembly Bill No. 1631—An act to amend Section 164 of the Civil Code, relating to property acquired after marriage.

Referred to Committee on Judiciary.

Assembly Bill No. 1720—An act to amend Section 17 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management, and supervision," approved March 31, 1927, relating to powers of credit unions and applications for loans.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1721—An act to amend Section 18 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management, and supervision," approved March 31, 1927, relating to powers of credit unions and applications for loans.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1722—An act to amend Section 10 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management, and supervision," approved March 31, 1927, relating to powers of credit unions.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1766—An act to amend Section 4 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management, and supervision," approved March 31, 1927, relating to powers of credit unions and applications for loans.

Referred to Committee on Financial Institutions.

Assembly Bill No. 2146—An act to amend Section 395 of the Military and Veterans Code, relating to absence of public officers and employees on military or naval duty; compensation and salary during absence on military or naval leave; attendance at drills, camps and exercises; performance of duty during insurrection or emergency; private employees and restoration to positions.

Referred to Committee on Military and Veterans Affairs.

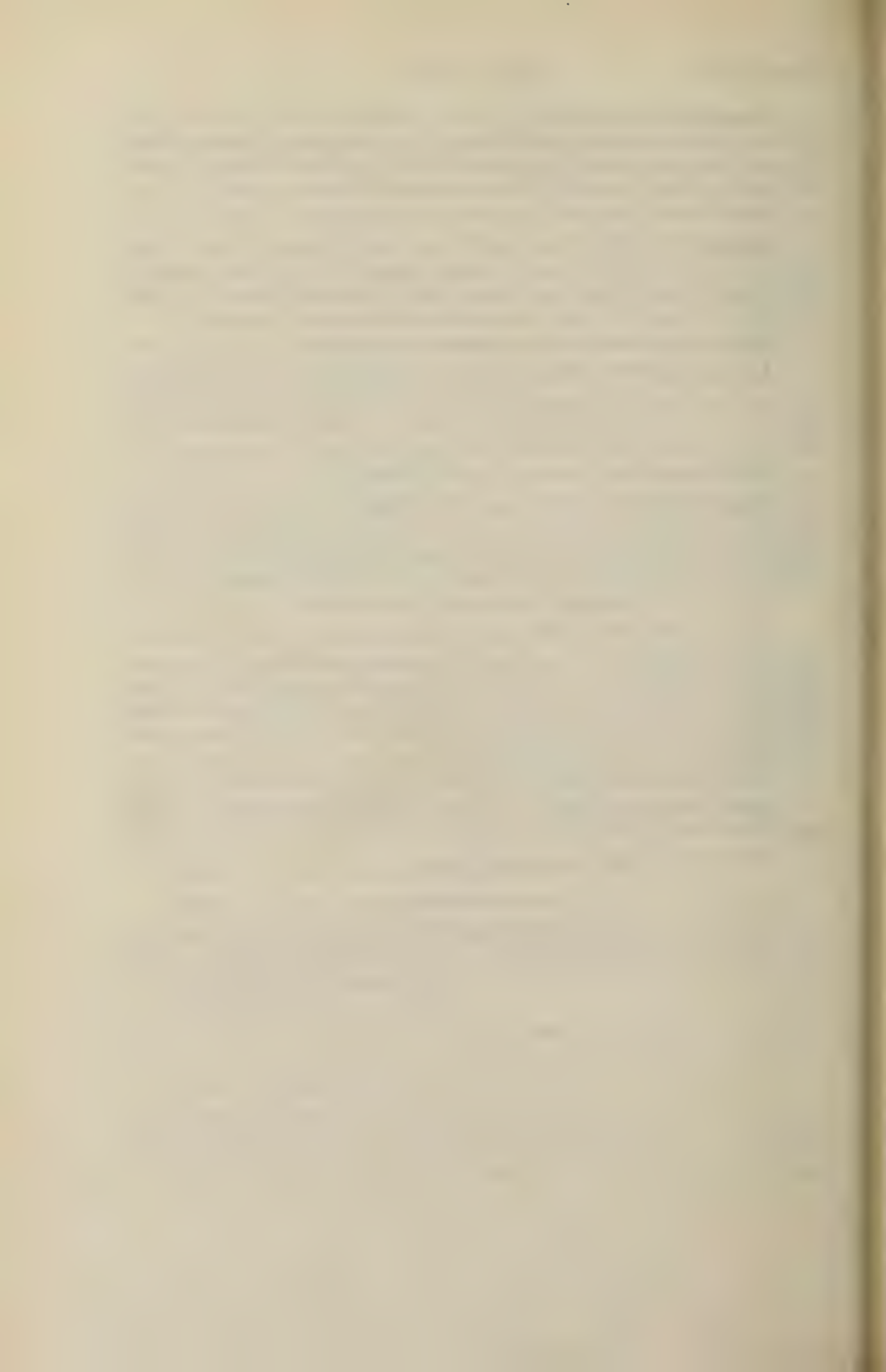
Assembly Bill No. 2945—An act to add Section 754.6 to the Probate Code, relating to the sale of property in probate.

Referred to Committee on Judiciary.

ADJOURNMENT

At 4.35 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Tuesday, March 29, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-EIGHTH LEGISLATIVE DAY

EIGHTY-SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, March 29, 1949

The Senate met at 1.30 p.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Dorsey, on motion of Senator Brown, due to illness.

Senator Michael J. Burns, on motion of Senator Brown, due to illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. H. Reilly of Avenal.

On request of Senators Breed and Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. and Mrs. Joseph Harris of University of California, Mrs. E. J. Shirpser, President, League of Women Voters in Berkeley, and Robert Burke.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Harp of San Francisco, Reno Morandi of Fort Bragg, and Edward Fanucchi of Santa Rosa.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John Garaventa of Concord and Jerry Waldie of Antioch.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph McKeon, Esq., of San Francisco, and John Kevin O'Gara of Albany.

On request of Senator Gibson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Edward Giant of Vallejo.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George Savage and Mrs. Linnie Savage of Pasadena.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Doc Bucineffi of Wilmington and Glenn G. Moore of Santa Paula.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frances Shaskan and Mrs. Dorothy Cummings of San Francisco.

Call of the Senate

Senator Mayo moved a call of the Senate.

Motion carried.

COMMUNICATIONS

The following communication was received and read and ordered printed in the Journal:

BAKERSFIELD, CALIF., March 28, 1949

Hon. Harold Powers

*President pro Tempore State Senate
State Capitol, Sacramento, Calif.*

Senator Dorsey is under my care and attention. It will be necessary for him to remain here for a few days for necessary treatments.

F. J. GUNDRY, M. D.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 214

Assembly Bill No. 260

Assembly Bill No. 548

Assembly Bill No. 872

Assembly Bill No. 959

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 214—An act to amend Section 741 of the Fish and Game Code, relating to sardines.

Referred to Committee on Fish and Game.

Assembly Bill No. 260—An act to amend Section 16271 of the Education Code, relating to the transportation of public school pupils and employees, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 548—An act to add Article 4.5, comprising Sections 4330 and 4331, to Chapter 13 of Division 2 of the Education Code, relating to the boundaries of high school and junior college districts.

Referred to Committee on Education.

Assembly Bill No. 872—An act to add Section 492.5 to the Fish and Game Code, relating to fish.

Referred to Committee on Fish and Game.

Assembly Bill No. 959—An act to amend Section 1016 of: and to add Sections 1016.1 and 1016.2 to the Fish and Game Code, relating to fish packing and reduction privilege taxes.

Referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 28, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 60

Senate Bill No. 685

Senate Bill No. 220

Senate Bill No. 1031

Senate Bill No. 268

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 116

Senate Bill No. 653

Senate Bill No. 161

Senate Bill No. 674

Senate Bill No. 187

Senate Bill No. 1099

Senate Bill No. 230

Senate Bill No. 1100

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 32

Senate Bill No. 431

Senate Bill No. 381

Senate Bill No. 470

Senate Concurrent Amendment No. 6

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Natural Resources, to which was referred:

Senate Bill No. 51

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

MAYO, Chairman

Above reported bill ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to have the following report of the Joint Interim Committee on Legislative Constitutional Revision printed in the Journal.

REPORT OF JOINT INTERIM COMMITTEE ON LEGISLATIVE CONSTITUTIONAL REVISION

(Created by Resolutions Chapter 197, 1947 General Session; Continued by
Assembly Concurrent Resolution No. 33, Resolutions Chapter 51, 1949 General
Session)

MEMBERS OF COMMITTEE

HON. RICHARD J. DOLWIG, Chairman
Vice HON. ALFRED W. ROBERTSON, term expired
SENATOR GEORGE J. HATFIELD, Vice Chairman

HON. RALPH M. BROWN
HON. THOMAS W. CALDECOTT
HON. ERNEST C. CROWLEY
HON. RALPH C. DILLS
HON. W. E. JAMES (term expired)
HON. MARVIN SHERWIN
HON. ALBERT I. STEWART
HON. LAUGHLIN E. WATERS

SENATOR CHARLES BROWN
SENATOR OLIVER J. CARRIER (term expired)
SENATOR RANDOLPH COLLIER
SENATOR BRADFORD S. CRITTENDEN
SENATOR JESSE M. MAYO
SENATOR THOMAS F. KEATING
SENATOR W. P. RICH
SENATOR BYRL SALSMAN
SENATOR CLARENCE C. WARD

NORRIS J. BURKE, General Counsel

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LETTER OF TRANSMITTAL

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1949

Hon. Goodwin J. Knight, President of the Senate

*Hon. Sam L. Collins, Speaker of the Assembly
State Capitol, Sacramento, California*

HONORABLE SIRs: The Joint Interim Committee on Legislative Constitutional Revision, created by Resolutions Chapter 197, 1947 General Session and continued by Resolution Chapter 51, 1949 General Session, herewith files a report of its investigations, studies, and recommendations.

As the report shows, your committee received the unselfish and invaluable assistance and cooperation of literally hundreds of public spirited citizens who gave generously of their time and efforts, and the capable services of Norris J. Burke, General Counsel for the committee and his staff.

It is a matter of personal regret to the present chairman and the members of the committee, that the Hon. Alfred W. Robertson chose to terminate his legislative career before this report is rendered, and that another must sign as chairman in his place. It is but fitting to state that the unflagging enthusiasm and the genius for organization of such a tremendous project displayed by the Honorable Alfred W. Robertson have made the labors of this committee fruitful and have been invaluable to this State.

Respectfully submitted,

RICHARD J. DOLWIG, Chairman

REPORT OF THE JOINT INTERIM COMMITTEE ON LEGISLATIVE CONSTITUTIONAL REVISION

The Legislative Constitutional Revision Committee herewith files its final report.¹

I. The Organization

At the initial meeting of this committee at Sacramento on June 24, 1947, Assemblyman Alfred W. Robertson was elected chairman, and Senator George J. Hatfield was elected vice chairman. The chairman was delegated general authority to organize, supervise, and arrange for, the carrying out of the undertaking, work, and functions, of this committee as provided in the resolution.

In August 1947, the chairman and vice chairman, assisted by Hon. Fred B. Wood, Legislative Counsel, established a headquarters for this committee in the county courthouse in Santa Barbara; and appointed Dr. Norris J. Burke as General Counsel and Coordinator. At the same time, and immediately following, steps were taken to collect a bibliography and the literature in the field; to inform the public of the project and invite its participation; to appoint an "advisory" committee as provided in the resolution; to establish subcommittees to consider revision of specific subject matter committed to their jurisdictions; and to arrange for a general and public "opening" meeting, with a panel of prominent speakers, followed by a first meeting of each subcommittee.

(A)

As a major portion of the organizational work, a large Advisory Committee was selected and appointed. Every known specialist, authority, and expert, in the field of constitutional revision residing in this State was asked to serve, including the presidents of our leading universities, the deans, and prominent faculty members, of our outstanding law schools and departments of political science, and other recognized specialists and leaders in the field including participants in past projects, in particular several ex-Governors and the surviving members of the 1929 Constitutional Revision Commission. Practically all of these persons agreed to serve.¹

Next, a large number of prominent public officers were also appointed. These included judges as well as executive officers, and officials of counties, and of cities, as well as heads of state departments and other state officers, especially those directly affected by the present Constitution.

In addition, and larger in numbers, every association, organization, and group, in this State of any substantial size or prominence, and known normally to participate through a representative in legislative or civic affairs, was requested to select a representative for appointment to the

¹ The principal records of this committee, including the membership of its Advisory Committee and of each subcommittee, the program of all general meetings of the interim and its Advisory Committee, the minutes of each meeting of every committee, and subcommittee, the rules of this committee, the guide for subcommittees, the revision drafts of the general counsel, including the final coordinated draft (Proposal 3) and the separate draft for each subcommittee, the several speeches of the general counsel, copies of "model" constitution, etc., have been contemporaneously filed with the Secretary of State.

Advisory Committee. Practically all of those requested responded. Thus, all labor, industry, trade, vocational, and professional associations secured representation, together with like representation from what might be termed "cross section" associations, such as auto clubs, state and other public employee associations, taxpayers' groups, church groups, fraternal groups, local government associations and women's organizations.

Suffice it here to say that the Interim Committee knows of no more able, outstanding, balanced representative, or better Advisory Committee obtainable in any way or manner, whether the criterion be a balance between recognized expert authorities and persons of experience, or between adherents of "right," "left," and "center," or of one faith, philosophy, psychology, point of view, interest, or party, against another or others.

(B)

The subject matter of our present Constitution was segregated and divided into 10 topics; and a like number of subcommittees was established to consider a revision of the same. To this end, the general counsel prepared a "Guide for Subcommittees," allocating the present provisions among them; and the chairman requested each advisory committeeman to indicate which subcommittee or subcommittees he desired to serve upon, according to his special qualifications, interests, or wishes.

The chairman of the Interim Committee decided that each of the 10 subcommittees should be headed by a chairman and vice chairman selected from the Interim Committee. Further, one, and in a few cases two, "advisers" were appointed for each subcommittee from the "expert," generally the university faculty, group, in order to encourage and assure their fullest participation and an adequate presentation of their views as a result of their years of study and research in the field.

At the time of the "opening" meeting, (October 13, 1947), all 10 subcommittees had been established in the manner indicated. Each subcommittee had between forty and eighty members throughout its life. To those interested, the final membership of each subcommittee is set forth in the list on file.

(C)

Under the rules of this committee, every meeting of the Interim Committee, of its Advisory Committee, and of each of its subcommittees, was open to all interested persons. In other words, every member of the public, not only committeemen, was asked to participate; and anyone could, and a very few did, speak at any meeting upon recognition of the chair. Further, this committee appointed a part-time Director of Public Relations, Mr. James F. Dorrance, to publicize the project, and the works, plans, programs, and happenings, relative thereto, and especially publicly to announce in advance, through the press and otherwise, the time and place of all meetings of this committee, its Advisory Committee, and of each of its subcommittees. Such publicity was given to the fullest extent possible.

(D)

The "opening" meeting of the Interim Committee and of its entire Advisory Committee at Santa Barbara on October 13-14, 1947, was widely announced in the public press and otherwise; and its proceedings were widely reported. Practically all of the Interim Committee and Advisory Committee attended; and fully one thousand other interested persons, many from without the city.

The first evening session was devoted to an address prepared by Governor Earl Warren and to a keynote speech by Hon. Justin Miller, President of the National Association of Broadcasters, and other topics. The succeeding day session was devoted to speeches by two ex-Governors, Chief Justice Gibson of the Supreme Court, the Legislative Counsel, and the head of the political science department of the University of Southern California, followed by an organization meeting of each subcommittee. Each advisory committeeman was furnished with a copy of the guide to subcommittees, of the existing State Constitution, and of the report of the 1929 California Constitutional Revision Commission.

II. The Subcommittee Meetings

Each subcommittee met at least once. Several meetings lasted one day and two ran into a second day. To illustrate the workings of the subcommittees, we cite the following examples:

(1) The Subcommittee on the Executive Department met first. The General Counsel presented two revision drafts: a short form one eliminating the present executive officers other than the Governor and the Lieutenant Governor, and a longer one not making such elimination. Most of those present were long experienced in our State Government and upon a section-by-section review proceeded to revise the long form draft. The drafts before this subcommittee underwent considerable change as the General Counsel proceeded to develop and complete his model coordinating and harmonizing all parts to such an extent that this subcommittee cannot be said to have considered or approved said model as to its subject matter.

(2) The Subcommittee on Waters, Harbors and Tidelands met to consider the state boundaries and the sections on public lands, tidelands, fishing and water resources. A topic-by-topic review for one day resulted in no recommendation of any change. Firm convictions appeared against any change in regard to: (a) the seaward boundary of the State, as bearing on the existing state-federal controversy over tidelands; and (b) the section on water resources.

(3) The Subcommittee on Education met in Sacramento. At this meeting, debate centered on two views: (a) major revision with deletion of most of the provisions on education as being statutory in nature subject to their continuance as statutes, and (b) a repeal of the obsolete. Many members felt that a compromise course was possible, and to this end, a smaller section was appointed. This section undertook to effect such a compromise. Their efforts failed to satisfy any of the contending views.

(4) The Subcommittee on the Legislative Department at its initial meeting on October 14, 1947, divided its membership into six sections. These were designed to study specific suggestions within the jurisdiction of the entire subcommittee. As a result of these subsection activities, the groups agreed to limit their work to repeal of the obsolete, and considerable time of one of the subsections was devoted to a review and approval of specific items considered obsolete in character. The principal exception to this procedure was approval of certain specific recommendations with respect to the initiative process.

Without burdening this report with further specific reference to subcommittee meetings, it is sufficient to say that the experience in each of the subcommittees was practically identical. The conclusion of each subcommittee investigating the subject matter presented to it was that its recommendation to the main committee should be to limit the report to the Legislature in the main to a repeal of those provisions of the Constitution which were agreed to be obsolete.

III. Final General Meeting

The Legislative Interim Committee and members of its Advisory Committee met in a final general meeting in Santa Barbara on November 18 and 19, 1948.

The chairman of each subcommittee, or in his absence the General Counsel, presented a final report of the work of each subcommittee.

During discussion of these recommendations, the Advisory Committee, after thorough discussion, adopted a motion that it recommend to the Legislative Interim Committee the policy of confining its activities to deleting obsolete material, with such exceptions as otherwise recommended. In support of this recommendation, the Advisory Committee cited its reasons as follows:

(1) No popular demand for change in the basic principles of the State Constitution.

(2) By the process of amendment, the present Constitution is a modern document.

(3) No generally acceptable reasons have been advanced for changing the substance of the Constitution.

(4) Seeking revision for brevity's sake is no valid argument.

(5) The present Constitution has been thoroughly adjudicated by the courts.

On November 19th, the Legislative Committee met having before it the above recommendation of the general Advisory Committee, as well as the report and recommendations of the individual subcommittees. As a result of its deliberations, the Legislative Interim Committee adopted and herewith submits the following recommendations:

(1) Local Governments—Article XI.

The obsolete matters to be deleted relative to this subject are set forth in Exhibit 1. Assembly Constitutional Amendment

No. 66 embodies the amendments therein set forth. All were approved by the Advisory Committee. The volume is rather large and material gain will be effected by these repeals, and we recommend this amendment for passage at this session.

(2) **The Executive Department—Article V.**

We recommend for passage at this session a repeal of those obsolete matters approved by our Advisory Committee and as set forth in Exhibit 2, largely because it deletes the misleading salaries specified in superseded Section 19. This recommendation is embodied in Assembly Constitutional Amendment No. 67.

(3) **Judicial Department—Article VI.**

A repeal of obsolete matters as set forth in Exhibit 3 was approved by our Advisory Committee, and we recommend the same for passage at this session, largely because it deletes the misleading salaries specified in superseded Section 17. This is embodied in Assembly Constitutional Amendment No. 73.

(4) **Revenue and Taxation—Article XIII.**

Our Advisory Committee approved the repeal of the obsolete matters in Article XIII as set forth in Exhibit 4. We recommend the same for passage at this session. This is embodied in Assembly Constitutional Amendment No. 69.

(5) We recommend for passage at this session the consolidation of the two Sections 22 of Article IV, with a deletion of the obsolete matters in the first said section, all as shown in Exhibit 6 and as approved by our Advisory Committee, as there appears to be a material gain by so doing. This is embodied in Assembly Constitutional Amendment No. 70.

(6) We recommend for passage at this session the repeal of the obsolete matters in Article XXII and of Article XX, Section 19, and a disposition of Article XX, Section 20, all relating to the 1879 Convention and Constitution and incidents germane thereto and all as shown in Exhibit 7 and as approved by our Advisory Committee, as there appears to be a material gain by so doing. This is embodied in Assembly Constitutional Amendments Nos. 71 and 73.

(7) Our Advisory Committee recommended for passage at this session a repeal of Article I, Section 26-a (Exhibit 9—Assembly Constitutional Amendment No. 72), Article IV, Section 1-a, as added in 1933, (Exhibit 10, Assembly Constitutional Amendment No. 68), and Article XIX, Section 2, (Exhibit 11), and an amendment of Article IV, Section 18, to delete the Surveyor General (Exhibit 12). In view of the expense and disadvantages of a wordy and lengthy ballot, since the normal course we may anticipate a dozen measures on the ballot in addition to what we recommend in this report, we would not seriously object to these matters being held over for action at some later session.

IV. Initiative

We believe and find that some tightening of the amendment process at this time, if not too drastic, would be salutary. Since all existing amendments have been submitted by both the initiative petition and the Legislature, and it requires a two-thirds vote of the Legislature to propose an amendment by the legislative process, we recommend that the number of signatures on an initiative petition proposing a constitutional amendment be increased from 8 percent to 12 percent of the total votes cast for all candidates for Governor at the last preceding general election.

V. Concerning Submission of Revision

Under the Constitution as it now stands, submission of an entire revised document to the people for their adoption or rejection is possible only by a constitutional convention. One of the principal things learned from this project is that a "revision" in any true sense can only be prepared, considered, dealt with and submitted as a whole. A general meeting of the full Interim and Advisory Committee was held on February 23, 1948, to consider a proposed amendment to present Article XVIII of the Constitution to provide that the Legislature by concurrent resolution approved by two-thirds of the members of each house might submit a constitution to the electors at a special election called for such purposes. This proposed amendment was defeated by a roll call vote of the Advisory Committee at this meeting, and accordingly was not considered further.

As a part of our study, we had before us the report of the California Constitution Commission made on December 29, 1930. We found the study of this commission of great value. The following quoted portion of the report is one with which we are in complete agreement:

"So far as the substance of the Constitution is concerned, we find it to be a logical record of the struggle of the people to preserve their rights. We find in it adequate provisions preserving the natural rights of the people to protection in their persons and property. We find in it a general frame of government under which the State has prospered and been efficiently governed. We find that it embodies the principle of home rule in local and municipal affairs, for which the people have so long struggled. We find in it provisions by which the people have reserved to themselves powers by which they are enabled to control legislation, and by which the people have insisted that they themselves should establish the principles upon which they are to be taxed."

In view of the finding of that commission and our present findings, we recommend that the Legislature take no action looking toward the calling of a constitutional convention inasmuch as we are convinced that such action is unwarranted and unnecessary.

However, in order that the results of research in connection with preparation of a proposed final draft of a "model" constitution as

developed by the General Counsel may not be lost to any possible future considerations given this problem, our committee makes this short draft or "model" a part of this report.

Respectfully submitted,

RICHARD J. DOLWIG, Chairman
GEORGE J. HATFIELD, Vice Chairman
CHARLES BROWN
RALPH M. BROWN
THOMAS W. CALDECOTT
RANDOLPH COLLIER
BRADFORD S. CRITTENDEN
ERNEST C. CROWLEY
JESSE M. MAYO
THOMAS F. KEATING
W. P. RICH
BYRL SALSMAN
MARVIN SHERWIN
ALBERT I. STEWART
CLARENCE C. WARD
LAUGHLIN E. WATERS

RESOLUTIONS

The following resolution was offered :

By Senator Hatfield :

Senate Resolution No. 77

Relative to requesting the Department of Public Works to make an investigation and report regarding expenditures by counties of funds allocated for postwar county highway construction projects

WHEREAS, The sum of one million five hundred thousand dollars (\$1,500,000) was appropriated by Chapter 565, Statutes of 1943, for allocation and apportionment to counties for postwar county highway construction projects; and

WHEREAS, Said chapter provides for submission by counties to the Department of Public Works of budgets for such projects, and for approval by the department of such budgets, and for payments to counties upon approval by the department of such budgets, and for filing with the department of reports showing expenditures made by counties of such payments; and

WHEREAS, The question has arisen as to whether all counties receiving payments have fully complied with the provisions of said chapter as to the filing of reports and the expenditure of said payments only for approved projects; and

WHEREAS, The foregoing is a matter upon which the Senate needs to be informed; now, therefore, be it

Resolved by the Senate of the State of California, That the Department of Public Works is requested to investigate and report to the Senate on or before May 1, 1949, regarding budgets submitted and reports filed by counties, and payments made to counties, as of January 1, 1949, pursuant to said Chapter 565, Statutes of 1943, said report to include, among other items:

(1) A report by counties of all budgets submitted, together with a brief summary of the projects proposed in such budgets;

(2) A report of all moneys paid to such counties by the department pursuant to the authorization contained in said chapter;

(3) A tabulation by counties of all reports filed by such counties showing expenditures made of such moneys;

(4) Copies of all reports filed;

(5) A complete report by the department as to whether all of such payments have been properly expended by such counties for approved projects, and as to any unexpended balances; and

(6) Such additional information as the department may deem appropriate; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Director of the Department of Public Works.

Resolution read, and on motion of Senator Hatfield, adopted.

REPORTS OF STANDING COMMITTEES

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which were referred:

Senate Bill No. 692

Senate Bill No. 6

Senate Bill No. 1220

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which were referred:

Senate Bill No. 682

Senate Bill No. 1162

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bills ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1082—An act to add Division 12 to the Water Code, thereby revising and consolidating the law relating to county water districts, including provisions for the supervision, regulation, and conduct of such districts, and to repeal certain acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1083—An act to add Section 30063 to the Water Code, relating to publication of notices in connection with county water districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1084—An act to amend Section 30762 of the Water Code, relating to nominations of county water district directors.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1085—An act to amend Sections 30295, 30364, 30700, 31406, and 31412 of the Water Code, relating to county water districts and their elections.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1087—An act to amend Sections 30296, 30365, 30702, 31411, and 32696 of the Water Code, relating to county water districts and the canvass of election returns.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1088—An act to amend Section 30061 of the Water Code, relating to county water districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1089—An act to add Section 30706 to the Water Code, relating to county water districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1090—An act to add Section 31793.5 to the Water Code, relating to county water districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1379—An act to add Section 7.5 to an act entitled "An act to provide for the organization, government, powers and functions of flood control and flood water conservation districts," approved June 8, 1931, relating to eminent domain.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 704—An act to add Part 6.5 to Division 11, and Article 2.5 to Chapter 3, Part 8, Division 11, of the Water Code, and to add Section 25803.5 to said code, relating to distribution districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

On page 1, line 23, of the printed bill, after "district", insert "appearing on the last equalized assessment roll of the district".

Amendment No. 2

On page 6, line 11, of said bill, after "laws", insert ", and for repayment to the district for expenses necessarily incurred by it in connection with the formation of the distribution district".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1086—An act to repeal Chapter 6, comprising Sections 30360 to 30365, inclusive, of Part 2 of Division 12, and to amend Sections 30291, 30292, 30294, and 30295, of the Water Code, relating to county water districts, their formation and elections.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "and 30295", and insert "30295, and 30501".

Amendment No. 2

On page 1, line 23, of said bill, strike out "proposition", and insert "measure".

PRINTER'S NOTE:—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 2 of said bill, after line 10, insert

"SEC. 6. Section 30501 of the Water Code is amended to read:

30501. The directors first elected [after] upon the formation of the district shall classify themselves by lot so that two of them shall hold office until the election and qualification of their successors at the first succeeding general water district election, and three of them shall hold office until the election and qualification of their successors in the second succeeding general water district election."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1091—An act to amend Section 30014 of the Water Code, relating to county water districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 30014", and insert "Sections 30701 and 30702".

Amendment No. 2

On page 1, line 1, of said bill, strike out "30014", and insert "30701".

Amendment No. 3

On page 1 of said bill, strike out lines 3 and 4, and insert

"30701. The election of directors shall be held in every second year after the formation of the district on the fourth Tuesday in March.

SEC. 2. Section 30702 of the Water Code is amended to read:

30702. The board shall meet as a canvassing board and canvass the returns within seven days after each district election except as in this division otherwise provided."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1094—An act to amend Section 31521 of the Water Code, relating to county water districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 31521 of", and insert "repeal Sections 31303 and 31304 of, and to add Section 31303 to,".

Amendment No. 2

On page 1, line 1, of said bill, strike out "Section 31521", and insert "Sections 31303 and 31304".

Amendment No. 3

On page 1, lines 1 and 2, of said bill, strike out "is amended to read:", and insert "are repealed."

Amendment No. 4

On page 1 of said bill, strike out line 3, and insert

"SEC. 2. Section 31303 is added to the Water Code, to read:

31303. Any money belonging to a district may be deposited or invested and drawn out as provided in Chapter 189 of the Statutes of 1933, as now or hereafter amended. References in said chapter to "treasurer" shall mean for the purposes of a district the auditor thereof and to "auditor" shall mean for the purposes of a district the secretary thereof. This section provides for a deposit and investment procedure separate from that provided in Article 3 of this chapter."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1095—An act to amend Section 31861 of the Water Code, relating to county water districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 31861", and insert "Sections 31701 and 31790".

Amendment No. 2

On page 1, line 1, of said bill, strike out "31861", and insert "31701".

Amendment No. 3

On page 1 of said bill, strike out lines 3 and 4, and insert

"31701. If a district has no revenue or if the revenues of the district are, or in the judgment of the board of directors are likely to be, inadequate to pay the interest on or principal of any bonded debt as it becomes due, or any other expenses or claims against the district, the board of directors shall, at least fifteen days before the first day of the month in which the board of supervisors of the county in which the district is situated is required by law to levy the amount of taxes required for county purposes, furnish to the board of supervisors and to the auditor, respectively, in writing:

(a) An estimate of the minimum amount of money required for the payment of the principal of or interest on any bonded debt of the district or of an improvement district therein as it becomes due.

(b) A description of the improvement district benefited by the purposes of the bonded debt as stated in the resolution declaring the necessity to incur the bonded indebtedness, or, if the whole district was benefited by incurring it, a statement of that fact.

(c) An estimate of the minimum amount of money required by the district for other expenses and claims against it.

SEC. 2. Section 31790 of the Water Code is amended to read:

31790. If a district has no revenue or if the revenues of the district are, or in the judgment of the board of directors are likely to be, inadequate to pay the interest on or principal of any bonded debt as it becomes due, or any other expenses or claims against the district, the board shall, within fifteen days after the close of its session as a board of equalization, levy a tax sufficient to pay all of the following:

(a) The principal of and interest upon the bonded indebtedness, to be known as the "bond tax."

(b) All charges and expenditures in connection with the acquisition and operation of any water system of the district, to be known as the "water tax."

(c) All other claims and expenses, to be known as the general tax."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 714—An act to amend Sections 5, 6, and 10 of the Palo Verde Irrigation District Act, relating to qualification of trustees and voters, powers and duties of trustees and electors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "5, 6", and insert "6, 7".

Amendment No. 2

Strike out lines 2 and 3 of the title of said bill, and insert "tion District Act, relating to the Palo Verde Irrigation District."

Amendment No. 3

On page 1, line 1, of said bill, strike out "5", and insert "6".

Amendment No. 4

On page 1 of said bill, strike out lines 3 to 13, inclusive.

Amendment No. 5

On page 1, line 27 of said bill, after "election", insert " , not to exceed one hundred sixty votes for any one person, nor more than three hundred twenty votes for any firm, corporation, partnership, joint tenancy, or group of individuals who jointly or collectively own any real property and/or improvements thereon".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 6

On page 2 of said bill, between lines 2 and 3, insert

"SEC. 2. Section 7 of said act is amended to read:

Sec. 7. For the purpose of determining who is entitled to vote, and the number of votes each voter is entitled to cast, the officer of said district then in charge of the next preceding equalized assessment roll of said district shall cause to be prepared, certified and furnished to the election board at each polling place a true and correct copy of said assessment roll.

Said certified assessment rolls shall be used by the election board in determining the number of votes each voter is entitled to cast.

Executors, administrators, special administrators and guardians may cast the vote of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to vote; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced by the voter.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to vote as being the person shown on the assessment roll or otherwise as entitled to vote. And unless satisfactory evidence is furnished of the right to vote, the request to vote may be denied.

Where land is assessed to unknown owners, the production of a duly recorded or other transfer or conveyance, accompanied by a certificate of a searcher of title certifying that a search of the official records of the county since the date of the deed discloses no conveyance or transfer out from the grantee or transferee named in said instrument, shall entitle said grantee or transferee to vote.

Where property appears to be owned in common or jointly, or where letters of representatives of decedents, minors or guardians are joint, any one of the owners or representatives may cast all the votes that such joint owners or representatives are entitled to vote for all, provided the party claiming the right to vote for all produces the written consent of his co-owners or representatives to do so, but if such consent is not produced, then the number of votes shall be apportioned to each owner or representative claiming the right to vote, according to the proportionate ownership

or representation shown on the assessment roll, if such proportion is shown, but if not so shown, it shall be presumed that such ownership or right of representation is equal, and the voting right determined accordingly.

Where property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to vote the same, and if assessed in the name of more than one trustee the voting right shall be determined in like manner as above provided with respect to co-owners.

The vote of any public or quasipublic corporation, private corporation or unincorporated association, may be cast by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing, [and a proxy executed by an officer or officers thereof,] attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board of election. Any member of any partnership firm may vote in behalf of such firm.

[All parties entitled to vote may have their votes cast by proxy, but no person shall vote by proxy unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property, and filed with the board of election.]

Any party entitled to vote who expects to be absent from the district or who is unable to vote therein on the day of the election by reason of physical disability or any other reason found by the board of election to exist and constitute good cause, shall be permitted to vote by absentee ballot. An application for an absentee ballot must be in writing and may be made to the board of election at any time after notice of the election has been published but not later than ten days prior to the date of the election. An absentee ballot, together with a return envelope, shall be delivered to each party entitled thereto, in person or by registered mail, not less than five days prior to the election.

The number of votes that the absentee voter is entitled to cast shall be clearly marked on his ballot.

On the date of the election, the board of election shall open all absentee ballots, examine them to determine that each ballot is properly completed and represents the proper number of votes that the voter is entitled to cast, and deposit it in the ballot box together with the other ballots.

No absentee ballot shall be accepted by the board of election which is not received by the board on or before the date of the election, properly completed and signed by the voter.

The owner of any real property or interest therein appearing upon the assessment roll, which has been assessed in the wrong name, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to cast the votes represented thereby [either by the production of a proxy from such former owner or] by furnishing evidence of his ownership by examination upon oath by the election board, or a conveyance duly acknowledged showing the title vested in the person claiming the right to vote, or a certificate of a competent searcher of title may be accepted by the board, as evidence of the right to vote.

Where property has been contracted to be sold, the vendee shall be entitled to cast the ballots, unless such property is assessed in the name of the vendor, in which event the vendor shall be entitled to cast the vote or votes represented thereby.

All instruments evidencing or supporting a claim of a right to vote shall likewise be filed with the election board. And if at such election the proposal to create the district is approved, all such documents shall be turned over to the board of trustees of the district; otherwise, to the Board of Supervisors of Riverside County for preservation.

As each voter establishes his right to vote, and the number of votes to which he is entitled is determined, there shall be delivered to him as many ballots as he is entitled to votes, or one ballot representing such votes, as next herein provided. In order to simplify the voting and avoid the necessity of a voter having a large number of votes, stamping numerous ballots, one member of the board of election, in the presence of the voter and other members, shall write upon the ballot or ballots the number of votes represented by his ballot, and after the voter has voted it shall be the duty of the election board to examine all ballots cast and see that it is the same ballot delivered to the voter, and correctly represents the number of votes he is entitled to cast before the same is passed into the ballot box.

The polls shall be kept open from eight o'clock a.m. of the day of election until six o'clock p.m. of that day.

At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result, and shall forward a certificate showing such result, and the number of votes cast for and against the proposal to organize the district under this act, and the number of votes cast for all candidates for membership on the board of trustees, and which certificate together with the ballots shall be forwarded to the Board of Supervisors of Riverside County. If a majority of all the votes cast are in favor of the creation and organization of this district, then this district shall be deemed to be and shall be created with all the rights, powers, and duties prescribed in this act, and the trustees shall proceed to organize and carry out the purposes of

this act; but provided, however, that before the creation of the district becomes effective, the Board of Supervisors of Riverside County must make a certificate to the effect that the proposal to create the district was adopted, and cause the same to be filed with the Secretary of State of California, from which date the district shall be deemed created, and as soon as moneys are available to the district for that purpose, and at least within one year from the date of organization, the board of trustees shall reimburse the Counties of Riverside and Imperial for any moneys advanced or expense incurred in the performance of the duties imposed upon their respective boards of supervisors by this act, and recourse shall be had if necessary to the taxing power of the district for raising such funds; but if said indebtedness is not paid within one year from the date of the creation of this district, then the bondsmen shall be liable to the respective counties therefor.

Likewise, if the proposal to organize the district is defeated, the result shall be certified in the same manner as above set forth, and the respective counties reimbursed for expenses paid or incurred by the bondsmen on the bonds hereinbefore provided for.

If the district is created, certified copies of the order of the Board of Supervisors of Riverside County, or certificate declaring that fact, shall be recorded in the office of the County Recorder of Riverside County, and of the County Recorder of Imperial County, and shall impart notice to all interested persons as to the result of said election, and the creation of said district.

The order of the Board of Supervisors of Riverside County declaring the result of said election and certifying to the fact that the proposal to create the district was duly adopted (if it shall be adopted) shall be final and conclusive evidence that all steps necessary for the creation and organization of said district have been duly performed, and that said district has been duly created as such.

Provided, however, that the election for the organization of the district, whether the result be for or against, may be contested by any person owning property within the proposed district. The trustees elected at such election shall be made parties defendant, but any property owner in the district may intervene and be heard.

Such contest shall be brought in the Superior Court of the County of Riverside, and must be brought within twenty days from the time the vote is canvassed, and the result is declared. If more than one contest is filed, they may be consolidated and tried together. The court shall speedily try such contest and determine upon the hearing whether the election was fairly conducted, and in substantial compliance with the requirements of this act, and enter its judgment accordingly.

The right of appeal to the Supreme Court is hereby given to any party to the record within thirty days from the entry of judgment. The proceedings both as to the trial and appeal must conform substantially to the rules governing civil actions, and the appeal must be determined by the Supreme Court within sixty days from the time the record on appeal is filed therein.

If no contest is filed, or if as a result of any such contest so filed the adoption of the proposal to create and organize the district as certified by the board of supervisors be confirmed by the judgment; then said judgment and the certificate of the board of supervisors above set forth shall have the conclusive effect hereinbefore declared."

Amendment No. 7

On page 3 of said bill, between lines 25 and 26, insert

"4.5. The board of trustees shall not sell, convey or otherwise transfer any water rights of the district to any person, other district, firm, partnership, corporation or association without consent of the Legislature. No district organized under the laws of this State shall purchase or otherwise acquire any water right from the Palo Verde Irrigation District or any member thereof, without the consent of the Legislature."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

Senate Bill No. 983—An act to amend Section 2848 of the Elections Code, relating to termination of membership in a county central committee.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 984—An act to amend the heading of Chapter 4, Division 7 of; to repeal the article heading of Article 1, Chapter 4, Division 7 of; and to add Sections 5251, 5252, and 5253 to the Elections Code, relating to political corporations and associations.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 985—An act to add Section 5301.5 to, and to amend Section 5302 of, the Elections Code, relating to solicitation of funds for political purposes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1423—An act to amend Section 2541 of, and to add Section 2542 to, the Elections Code, relating to the office of Director of the Department of Social Welfare.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 980—An act to amend Section 2609 of the Elections Code, relating to elections.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Elections:

Amendment No. 1

On page 1, line 9 of the printed bill, after "noon," add "In counties where the office of the county clerk is legally closed on Saturday, the final day for filing shall be the preceding day at 5 o'clock p.m."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1462—An act to add Chapter 4 to Division 4 of the Elections Code, relating to propositions submitted at district elections.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Elections:

Amendment No. 1

In line 11 of the printed bill, after the word "than", insert "10".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 372—An act to add Chapter 7 to Division 8 of the Elections Code, relating to elections and providing for an alternative and optional method of balloting and ascertaining the vote at elections and in precincts for which such method is adopted.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

On page 6, line 6, of the printed bill, as amended in Assembly March 17, 1949, after "containers", insert "shall then be placed in one or more metal ballot boxes or similar metallic boxes and the boxes shall then be locked with a padlock. The boxes".

Amendment No. 2

On page 6, line 7, of said bill, after "clerk.", insert "All keys to the padlocks on the metal ballot boxes or similar metallic boxes shall be kept at all times at the central counting place and shall not at any time be in the polling places. The padlocks

shall be unlocked at the central counting place and thereafter the proceedings shall be as provided in Article 8, hereof."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to have the following opinions of the Legislative Counsel regarding Senate Bill No. 24 and Assembly Bill No. 1153, 1947, regarding management of the State Capitol, printed in the Journal:

Opinion of Legislative Counsel

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, March 19, 1949

Hon. George J. Hatfield
Senate Chamber

Senate Bill No. 24, re State Capitol Building—No. 5097

DEAR SENATOR HATFIELD: You have asked us whether or not Senate Bill No. 24, if amended by the amendments prepared for you under Request No. 4726, would be constitutional.

The bill, as so amended, would provide that the building is intended primarily for the use of the legislative department and, except for so much as may be released as provided in the bill, shall be devoted exclusively to such use.

A joint committee, consisting of a committee from each house, is to allocate space in accordance with its determination of the needs of the legislative department. The joint committee may from time to time "release" space not needed for the use of the Legislature for use by the executive department for such period as the space is not needed for the Legislature. Maintenance and operation of the building is to continue under the control of the Department of Finance.

We believe such a bill would be constitutional.

The fundamental question is one of legislative power. Section 1 of Article IV of the California Constitution provides that: "The legislative power of this State shall be vested in a Senate and Assembly which shall be designated 'The Legislature of the State of California'."

This means that the legislative power is plenary, except as restricted by the Constitutions of the United States or this State. We can perceive no conceivable question under the Federal Constitution.

As to the California Constitution there is nothing that we know of that could be interpreted as removing from the Legislature its power to control state buildings. It is for the Legislature to say what buildings shall be erected and to what use they shall be put.

We can see no lack of legislative power to provide that the State Capitol Building should not be occupied by any state officer or agency but should be preserved as a historic monument, or simply stand empty.

If, therefore, the Legislature provided by law that the State Capitol Building is to be used exclusively for the purposes of the legislative department and that no officer or agency of the executive or judicial department should be housed therein no constitutional objection that we can think of could be raised.

Having turned over the entire building to the legislative department we can perceive no reason why the allocation of the space therein should not be made by the Legislature or a committee or officer designated for the purpose. It is surely neither an executive or judicial function of government to direct the manner in which space provided for the legislative branch of the government shall be utilized or apportioned.

The National Capitol Building and the House and Senate Office Buildings are under the control of Congress. The "Architect of the Capitol" has the care and superintendence of the Capitol Building (Sec. 163, Title 40, U.S.C.). He can make no change in the architectural or landscape features of the Capitol Buildings or Grounds except pursuant to plans approved by Congress (Sec. 162, Title 40, U.S.C.).

Presumably there is little change from time to time in the use of space in the National Capitol Building. After the Library of Congress moved out the space was allocated by statutes (31 Stat. 719, Sec. 190b, Title 40, U.S.C.). In 1946 the President pro Tempore of the Senate and the Speaker of the House were directed to cause a survey to be made as to space available for joint committee meetings, and other meetings requiring attendance of members of the two Houses and to make recommendations, presumably to Congress (Sec. 174d-1, Title 40, U.S.C.).

The House and Senate Office Buildings are more directly controlled by the respective houses. They are operated under the supervision of the architect of the Capitol. His control of the Senate Office Building is subject to the approval of the

Senate Committee on Rules as to general policy (Sec. 174c, Title 40, U.S.C.) and that committee assigns space in the building (Sec. 177d, Title 40, U.S.C.).

The architect's supervision of the House Office Building is subject to the approval and direction of a "commission" consisting of the Speaker and two members appointed by him (Sec. 175, Title 40, U.S.C.). The assignment and reassignment of space in the building is subject to the control of the House by "rule, resolution, order, or otherwise." (Sec. 183, Title 40, U.S.C.). There is a formula for assigning rooms to members and unoccupied space is assigned by the architect under "direction" of the commission, subject to the control of the House (Secs. 177-184, inclusive, Title 40, U.S.C.).

So far as we can ascertain no one has ever questioned the validity of these methods of handling the National Capitol or the Congressional Office Building.

The bill as proposed to be amended will not present the same situation as has been discussed above in that it is *not* proposed that the *entire* building be devoted to the Legislature at all times.

However, we can think of nothing in the Constitution which requires the Legislature to waste space in a public building. If there is more space than the Legislature needs there is no reason why it should not be utilized.

It is true that as to the "released" space the tenancy of the executive agencies will be somewhat precarious. It must be remembered, however, that what we are discussing is a matter of legislative power and restraint thereon imposed by the Constitution. There is nothing in the Constitution giving either the executive or judicial department any vested right in any state building or any security of continuance of tenancy in any particular quarters. For example, if the Legislature should adopt the policy of housing all governmental agencies in quarters rented on a month-to-month basis, where is a constitutional provision to prohibit it?

The matter of separation of powers does not enter into the problem. It is neither an executive nor judicial function to prescribe the use to which the building is to be put. The Legislature could take half of it, or all of it, or, as the amended bill would provide, all of it that it needs from time to time, with the excess available to other uses. What the Legislature does with the space set aside for it is its own concern; within its inherent power to determine how it will conduct its own affairs. There is no encroachment on any power of the executive or judicial departments.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

Opinion of Legislative Counsel

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, March 28, 1949

Hon. George J. Hatfield
Senate Chamber

State Capitol: 1947 Legislation—No. 5349

DEAR SENATOR HATFIELD: You have asked us to give you a resume of the bills passed by the Legislature at the 1947 Session which were vetoed by the Governor.

Assembly Bill No. 1153 provided that the management of the Capitol was to be under the Department of Finance but that space therein, excepting office space occupied by the Governor and his staff, should be assigned and reassigned by a joint committee, created by the bill.

The Governor vetoed this bill. His veto message appears on page 3070 of the Assembly Journal of the 1947 Regular Session. The veto was sustained.

The grounds for the veto were (1) that the bill was unconstitutional because it vested an executive power (the assignment of space) in a legislative body and (2) that as a practical matter there was no place for the constitutional officers who might be ousted from the building to move to and that, since the Legislature was about to adjourn for over eight months, the bill was not necessary at that time.

Assembly Bill No. 2522 took a different approach. It specified the various purposes for which the Capitol could be used, and in effect, reserved all space above the first floor to legislative purposes and uses related thereto. The assignment of space was left with the Director of Finance and he was directed to meet with and consult a joint investigating committee created by the bill.

This bill was pocket-vetoed and therefore no veto message was published. Since the constitutional objection to Assembly Bill No. 1153, based on the separation of powers doctrine, was not presented by Assembly Bill No. 2522, the veto was probably based on practical, rather than legal, considerations.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 556
Senate Bill No. 1013

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 606
Senate Bill No. 1256

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1245

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Dilworth asked for, and was granted, unanimous consent to have Senate Constitutional Amendment No. 5 passed on file and retain its place on file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Regan asked for, and was granted, unanimous consent to have Senate Bill No. 248 passed on file and retain its place on file until the next legislative day.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 691—An act to amend Section 5012.1 to the Public Resources Code, relating to public utility structures and easements across state park lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Judah, Kraft, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1117—An act to amend Section 4004 of the Public Resources Code, relating to state fire prevention and suppression.

Bill read third time.

The bill was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 381—An act to amend Sections 7406, 10375, and 10453 and to repeal Section 10377 of the Health and Safety Code, relating to death certificates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Powers:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 704 of the Vehicle Code, relating to weight of vehicles.

Respectfully submitted,

SENATOR POWERS

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 29, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Transportation.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—32.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Brown:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation in augmentation of the appropriation in Item 11 of the Budget Act of 1948, for legislative printing, binding, mailing, etc., to take effect immediately.

Respectfully submitted,

SENATOR BROWN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 29, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Finance.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—32.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Tenney:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 690.5 to the Code of Civil Procedure, relating to exemptions from execution.

Respectfully submitted,

SENATOR TENNEY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 29, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Judiciary.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jaspersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—33.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Gibson:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to provide for the construction of a state highway adjoining the City of Santa Cruz and making an appropriation therefor.

Respectfully submitted,

SENATOR GIBSON

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 29, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Transportation.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hattfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson and Williams—33.

NOES—None.

President Pro Tempore of the Senate Presiding

At 2.15 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1613: By Senator Powers—An act to amend Section 704 of the Vehicle Code, relating to weight of vehicles.

Referred to Committee on Transportation.

Senate Bill No. 1614: By Senator Brown—An act making an appropriation in augmentation of the appropriation in Item 11 of the Budget Act of 1948, for legislative printing, binding, mailing, etc., to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 1615: By Senator Tenney—An act to add Section 690.5 to the Code of Civil Procedure, relating to exemptions from execution.

Referred to Committee on Judiciary.

Senate Bill No. 1616: By Senator Gibson—An act to provide for the construction of a state highway adjoining the City of Santa Cruz and making an appropriation therefor.

Referred to Committee on Transportation.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 712—An act to amend Section 10314 of the Insurance Code, relating to disability insurance policies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, and Watson—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 864—An act to add to Chapter 1, Part 2, Division 1 of the Insurance Code, a new article to be numbered 7.5, relative to remuneration of insurance claims adjusters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 867—An act to amend Section 952 of the Insurance Code, relating to deposits with the Insurance Commissioner.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 305—An act to amend Section 1601 of the Probate Code, relating to notices and procedure.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 324—An act to add Section 31510 to the Government Code, relating to establishment of and changes in county employees' retirement systems.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 32—An act to amend Section 7211 of the Business and Professions Code, relating to the Guide Dog Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senator Jespersen Presiding

At 2.35 p.m., Senator Chris N. Jespersen of the Twenty-ninth District, presiding.

Senate Bill No. 470—An act to amend Section 12126 of the Education Code, relating to credentials authorizing service in the public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Mayo, McBride, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—32.
NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 2.49 p.m., on motion of Senator Mayo, further proceedings under the call of the Senate were dispensed with.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 29, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointment, and respectfully request your confirmation thereof and consent thereto:

ERVIS W. LESTER, a resident of Oakland; former Deputy Chief, Department of Police, City of Los Angeles; member of the Adult Authority since April 23, 1945; to the Adult Authority, vice self, for the term prescribed by law, ending March 15, 1953.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

MOTION TO SET SPECIAL ORDER

Senator Hatfield moved that Senate Bills Nos. 685 and 850 be made a special order of business for Tuesday, April 5, 1949, at 2 p.m.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 1099—An act to amend Section 13 of an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties to develop a postwar public works program

comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights of way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, as amended (Chapter 47, Statutes of 1944), relating to the submission of plans.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Senate Bill No. 1100—An act to amend Section 23 of the Construction and Employment Act, relating to approval by the State Allocation Board of assignments of allocations between agencies for the construction of public works.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 60—An act to add Section 6904 to the Education Code, relating to the crediting of average daily attendance, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Watson, Weybret, and Williams—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 3.10 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Senate Bill No. 653—An act to add Section 16006 to the Education Code, relating to the admission of pupils to school.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Swing, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1031—An act to amend Section 21604 of the Education Code, relating to state schools for cerebral palsied children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 230—An act to amend Sections 12200 and 13031.1 of, and to repeal Section 13226 of, the Education Code, relating to the employment of persons in positions requiring certification qualifications.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 161—An act to add Section 369 to the Education Code, relating to the retirement of county superintendents of schools, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Brown, Hugh M. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Watson, Weybret, and Williams—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Hugh M. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 187—An act to amend Section 13424 of the Education Code, relating to the attendance of teachers upon teachers institutes.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Busch, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—Senator Sutton—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 116—An act to provide for leasing additional facilities and service for the extension, maintenance, and operation of the teletypewriter system of communication by the State Department of Justice, and to make an appropriation therefor.

MOTION TO RE-REFER SENATE BILL NO. 116

Senator Parkman moved that Senate Bill No. 116 be re-referred to Committee on Finance.

Motion carried.

President of the Senate Presiding

At 3.24 p.m., Hon. Goodwin J. Knight, President of the Senate, presiding.

Senate Bill No. 220—An act to amend Sections 11090 and 11091 of the Government Code, relating to state agency reports.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Brown, Busch, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Ward, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 998—An act to add Section 20343.3 to the Education Code, relating to state college fees.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote :

AYES—Senators Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2421—An act to amend Section 19390 of the Government Code, relating to the right of state employees entering the military service to be restored to their former position and civil service status upon termination of such military service.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote :

AYES—Senators Brown, Hugh M. Burns, Busch, Collier, Cunningham, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 1327

Senate Bill No. 1337

Senate Bill No. 1406

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 996

Senate Bill No. 317

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; noes 1; absent 3.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 113

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; noes 2; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 65

Senate Bill No. 232

Senate Bill No. 115

Senate Bill No. 1264

Senate Bill No. 137

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 48

Has had the same under consideration, and reports the same back with the recommendation: Be adopted, and be re-referred to Committee on Business and Professions.

Committee membership 5; committee vote: Ayes 3; absent 2.

POWERS, Chairman

Above reported resolution re-referred to Committee on Business and Professions.

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Assembly Joint Resolution No. 26

Assembly Concurrent Resolution No. 60

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 3; absent 2.

POWERS, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Assembly Joint Resolution No. 22

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 5; committee vote: Ayes 3; absent 2.

POWERS, Chairman

Above reported resolution ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Transportation, to which were referred:

Senate Bill No. 454

Assembly Bill No. 603

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; absent 6.

COLLIER, Chairman

Above reported bills ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, March 28, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 144

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

PARKMAN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 28, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 481

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

PARKMAN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 28, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 1509

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

PARKMAN, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 3.35 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Wednesday, March 30, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-NINTH LEGISLATIVE DAY

EIGHTY-SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, March 30, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Michael J. Burns, on motion of Senator Powers, due to illness.

Senator Dorsey, on motion of Senator Powers, due to illness.

Senator Tenney, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Madeline Himes, Mrs. Lois Middleton and Cleo Anderson of Bangor, Mary Enfield of Oroville, and Lorene Bevin of Honcut.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thomas L. Fairbairn of Piedmont.

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Will F. Peterson of Napa.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to David Bush of Oakdale.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Gerhan, Mr. Minihane, instructors, and the following eighth grade students of the Trace Elementary School of Tracy: James Chandler, Frank Espinoza, Richard Garcia, Ray Green, Gary Isbell, Jack Ivey, Jesse Juarez, Charles Morris, Donald Quintana, Eusebio Ramirez, Raymond Rios, Ralph Robertson, Burt Taylor, Charles Thompson, Wayne Duckworth, Billie Allee, Carol Ann Ellis, Shirley Ferguson, Pauline Flores, Beverly Fogli, Bette Lue Fuson, Lillian Gomez, Shirley Healey, Arlene Hill, Helen Hobbs, Betty Juanita Hunt, Doris Jordan, Sally Moreno, Elsie Plasencia, Lupe Rangel, Alvina Riggins, Joy Ritter, Shirley Ann Rowe, Margaret Schmidt, Rhonda Thomason, Virginia Torres, Betty Zarazzo, Shirley Upton, Alex Arevalo, Marshall Airrington, Frankie Alegre, John Avila, Gilbert Bullard, Harold Burchett, James Byrne, Jerry Campbell, Raymond Cardoza, John Carson, Russell Cline, Albert Correia, Richard Cornelius, Joe Davis, James Owens, Donald Riggins, Vivian Andrade, Mary Alvillar, Juanita Bennett, Beverly Benton, Shirley Boarts, Dorothy Borges, Margaret Boyd, Betty Brannon, Nancy Cenicerias, Diane Chrisman, Charlesie Clarkson, Jeanne Cline, Delia Costa, Myrcille Cox, Frances Cuellar, Joannell Deede, Marilyn Dickerson, Jennie Garcia, Ruby Hobbs, Joy Howerton, Louise Mena, and Faye Sisson.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Broom, Principal, and the following Eighth Grade students of New Hope School of New Hope: George Barber, Otto Gisler, Allen Daniels, Linnel Maxwell, Glyrace Hale, Venita Maxwell, Mildred Thomas, Maxine Wilson, Jo Ann Azvedo, Dolores Sweet, Katherine Lum, Wanda Weisner, Jeanne Vetter, Marie Simas, Jack Haslinger, Sue Gillean, Billy Feagan, Guy Ingram, Joan Smith, Sylvia Cheshire, Aleck Dambacher, Franz Steiner, Arthur Sartini, Robert Flentge, Harold Cox, John Gisler, Ray Berreth, Evelyn Weller, Wilda Summers, Lucille Combs, Anna Mae Huggins, Junior Cheshire, Barth Alfichte, Olivia De Silva, and Marilyn Garrett.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Anna Kirchgater and John Draper, teachers, and the following eighth grade students of the Elk Grove Union Elementary School, of Elk Grove: Edward Abelia, Jean Argo, Nelda Bradford, June Clark, Donald Costello, Winona Cound, William Courtney, Mildred Edralin, Dorothy Feickert, Marilyn Fizer, Donald Frost, Louis Garcia, Pearl Gwerder, Gail Halverson, Darlene Hartley, William Head, Evelyn Heaton, James Hensley, Oscar Hottman, Helen Jamerson, Margie Kerby, Corrine Lagura, Peggy Macklin, Dewey McDonald, John Miller, Rudy Muller, Mamoru Nakatani, Kenneth Neely, Mary Lou Neely, Vernon Newland,

Joan Niesen, Tommy Oda, John Ohrenschall, Charles Phillips, Teddy Reed, Barbara Soares, Ronald Stull, Richard Tessen, Bobby Timmons, Alice Truett, Patsy Truett, Edward Vickers, Janet Vogt, and Robert Watkins.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. M. Doyle of Sacramento and Jessie W. Dewell of Ukiah.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles Lederer, District Attorney of Modoc County, and daughters, Gail Janet and Sandra Lou Lederer.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Murphy of San Francisco.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. A. McMullen and Paul Vigness of Alameda.

On request of Senator Hugh M. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fred Aberle and Ben S. Beery of Los Angeles.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator E. George Luckey of Brawley.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Florence Toobey, Instructor, and the following students of Clear Lake High School of Lakeport: Maxine Abererombe, Don Browning, Marie Corey, Lila Cox, Don DeBolt, Nadine DeBolt, Vera Farrington, Darlene Foeller, Velma Freeman, Florence Hefner, Ila Mae Hickok, Donna Hyder, Jeanne Leonard, David Miller, Merlene Ray, Victor Thomas, Don Wattenburger, Don Weaving, Bill Williams, Bob Zehnder, and Jerry Butler.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 431

Assembly Bill No. 535

Assembly Bill No. 543

Assembly Bill No. 1015

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 431—An act to add Section 15 to an act entitled the "State Aeronautics Commission Act," relating to liability of aircraft owners, to take effect immediately.

Referred to Committee on Judiciary.

Assembly Bill No. 535—An act to amend Section 1425 of the Penal Code, relating to criminal jurisdiction of justices', municipal and police courts.

Referred to Committee on Judiciary.

Assembly Bill No. 543—An act to amend Sections 6032 and 6038 of the Harbors and Navigation Code, relating to elections in harbor districts.

Referred to Committee on Local Government.

Assembly Bill No. 1015—An act to amend Section 92 of the Fish and Game Code, relating to District 22.

Referred to Committee on Fish and Game.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 39

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 704	Senate Bill No. 1094
Senate Bill No. 980	Senate Bill No. 1095
Senate Bill No. 1086	Senate Bill No. 1462
Senate Bill No. 1091	

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 983	Senate Bill No. 1088
Senate Bill No. 984	Senate Bill No. 1089
Senate Bill No. 985	Senate Bill No. 1090
Senate Bill No. 1083	Senate Bill No. 1379
Senate Bill No. 1084	Senate Bill No. 1423
Senate Bill No. 1085	Senate Bill No. 850
Senate Bill No. 1087	

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 458

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which was referred:

Senate Bill No. 323

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

HATFIELD, Chairman

Above reported bill ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Senate Bill No. 206

Assembly Bill No. 309

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; absent 2.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Senate Bill No. 80

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; noes 4; absent 2.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Hatfield:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 42.1 to an act entitled Drainage District Act of 1903, relating to drainage districts.

Respectfully submitted,

SENATOR HATFIELD

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 30, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Water Resources.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Interpretation of 1957 DEATH TAX AND DEFERENCE TO SENSORS BILL.

The following bills were introduced, and read the first time:

Senate Bill No. 1517. By Senator Juchacz—*an act to amend the law relating to any gift provided for during lifetime, but not to exceed the amount of \$100,000, relating to dependent children.*

Deferred by Committee on Ways and Means.

Senate Concurrent Resolution No. 46. By Senator Juchacz—*Relating to the Budget of the State, payment of Santa Cruz.*

RECEIVED THE LEGISLATIVE COUNCIL

Senator Juchacz called for, and was granted, unanimous consent to table the Senate Concurrent Resolution No. 46, at this time, for consideration later.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 46

Senate Concurrent Resolution No. 46 Relative to "The Miracle of the Trees," payment at Santa Cruz.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

Ayes: Senators: Johnson, Broad, Brown, Cotten, Combs, Cunningham, Egan, Edwards, Gossard, Graham, Grooms, Harwood, Jenson, Johnson, Juchacz, Latham, Lyle, Lyle, Miller, O'Brien, Parkinson, Peters, Regan, Rich, Schuler, Smith, Suter, Ward, Watson, Webster, and Williams. 37.

Oppos: None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1464

Senator Rich moved that Senate Bill No. 1464 be withdrawn from Committee on Revenue and Taxation for purpose of amendment and be refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1454. An act to impose a state tax on cigarettes and to provide for the licensing of retailers, manufacturers, wholesalers, vending machine operators, unclassified acquirers and transportation companies in relation to cigarettes.

Bill read second time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

To Sec. 1 of the bill as the printed bill, strike out "impose a state tax on," and insert "and the Department of Revenue, 88001 to 88121, inclusive, to Division 2 of the Revenue and Taxation Code, relating to a state tax with respect to the sale and use of cigarettes."

Amendment No. 2

To Sec. 2 of the bill as the printed bill, strike out "provide for the," and strike out "and Sec. 1 of the Revenue and Taxation Code, relating to the administration of the law."

Amendment No. 3

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Part 13, comprising Sections 30001 to 30173, inclusive, is added to the Revenue and Taxation Code, to read:

PART 13. CIGARETTE TAX

CHAPTER 1. DEFINITIONS

30001. This part is known and may be cited as the "Cigarette Tax Law."

30002. Except where the context otherwise requires, the definitions given in this chapter govern the construction of this part.

30003. "Cigarette" means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape and irrespective of whether the tobacco is flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material, except where such wrapper is wholly or in the greater part made of tobacco.

30004. "Untaxed cigarette" means any cigarette which has not yet been distributed in such manner as to result in a tax liability under this part.

30005. "Sale" includes any transfer of title or possession for a consideration, exchange or barter, in any manner or by any means whatever.

30006. "Distribution" includes

(a) The first sale of cigarettes manufactured in this State.

(b) The use or consumption by the manufacturer of cigarettes manufactured in this State.

(c) The first sale of untaxed cigarettes after transportation to this State, and

(d) The use or consumption by the first person in possession in this State of untaxed cigarettes transported to the State in quantities of 200 or more in a single shipment.

30007. "Use or consumption" includes the exercise of any right or power over cigarettes incident to the ownership thereof, other than the sale of the cigarettes or the keeping or retention thereof for the purpose of sale.

30008. "Person" includes any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, this State, any county, city and county, municipality, district, or other political subdivision of the State, or any other group or combination acting as a unit.

30009. "Distributor" includes

(a) Every person who, after 4 o'clock a.m. on July 1, 1949, and within the meaning of the term "distribution" as defined in this chapter, distributes cigarettes, and

(b) Every person who sells or accepts orders for cigarettes which are to be transported from a point outside this State to a consumer within this State in quantities of 200 or more in a single shipment.

30010. "Dealer" includes every person, other than one holding a distributor's license, who engages in this State in the sale of cigarettes.

30011. "In this State" or "in the State" means within the exterior limits of the State of California and includes all territory within these limits owned by or ceded to the United States of America.

CHAPTER 2. IMPOSITION OF TAX

Article 1. Tax on Distributors

30101. For the privilege of distributing cigarettes, a tax is hereby imposed upon every distributor at the rate of \$.001 for the distribution after 4 o'clock a.m. on July 1, 1949, of each cigarette weighing not more than three pounds per thousand and at the rate of \$.002 for the distribution after 4 o'clock a.m. on July 1, 1949, of each cigarette weighing over three pounds per thousand.

30102. Every distributor maintaining a place of business in this State and selling or accepting orders for cigarettes with respect to the sale of which the tax imposed by Section 30101 is inapplicable, shall at the time of making the sale or accepting the order, or if the distribution of the cigarettes is not then taxable hereunder at the time the distribution becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the board.

30103. Unless the contrary is established, it shall be presumed that all cigarettes manufactured in this State, or transported to this State and no longer in the possession of the distributor, have been distributed.

Article 2. Only One Distribution Taxed

30104. Any cigarette with respect to which a tax has once been imposed under Article 1 or Article 3 of this chapter shall not be subject upon a subsequent distribution to the tax imposed under Article ___ of this chapter.

Article 3. Floor Stocks Tax on Dealers

30121. For the privilege of distributing cigarettes, a floor stocks tax is hereby imposed upon every dealer at the rate of one mill (\$.001) for each cigarette weighing not more than three pounds per thousand in his possession or under his control at 4 o'clock a.m. on July 1, 1949, and at the rate of two mills (\$.002) for each cigarette weighing over three pounds per thousand in his possession or under his control at that time.

30122. The tax imposed by this article is due and payable on or before July 15, 1949.

30123. Each dealer, on or before July 15, 1949, shall file a report with the board in such form as the board may prescribe. The report shall state the number of cigarettes on hand at 4 o'clock a.m. on July 1, 1949, and the amount of tax due thereon. Each report shall be accompanied by a remittance payable to the board for the amount of tax due.

30124. All the provisions of Chapters 3 to 9, inclusive, of this part, relating to the tax imposed by Article 1 of this chapter, shall be applicable, so far as pertinent, to the tax imposed by this article.

CHAPTER 3. LICENSES, BONDS AND REGISTRATION

Article 1. Licenses and Bonds

30150. Every person desiring to engage in the sale of cigarettes as a distributor, except a person who desires merely to sell or accept orders for cigarettes which are to be transported from a point outside this State to a consumer within this State, shall file with the board an application, in such form as the board may prescribe, for a distributor's license. The application shall be accompanied by a license fee of one dollar (\$.1) payable to the board.

30151. The board, whenever it deems it necessary to insure compliance with this part, may require any person subject thereto, to deposit with it such security as the board may determine. The amount of the security shall be fixed by the board but shall not be greater than three times the estimated average liability of persons required to file monthly reports, determined in such manner as the board deems proper, or ten thousand dollars (\$10,000), whichever amount is the lesser. The amount of the security may be increased or decreased by the board subject to the limitations herein provided. The board may sell the security at public auction if it becomes necessary so to do in order to recover any tax or any amount required to be collected, interest, or penalty due. Notice of the sale may be served upon the person who deposited the security personally or by mail; if by mail, service shall be made in the manner prescribed for service of a notice of a deficiency determination and shall be addressed to the person at his address as it appears in the records of the board. Security in the form of a bearer bond issued by the United States or the State of California which has a prevailing market price may, however, be sold by the board at private sale at a price not lower than the prevailing market price thereof. Upon any sale any surplus above the amounts due shall be returned to the person who deposited the security.

30152. On receipt of an application and license fee and after the deposit of such security as may be required pursuant to Section 30151, the board shall issue a distributor's license to the applicant. The license is not transferable and is valid until canceled or revoked.

30153. Whenever any distributor fails to comply with any provision of this part or any rule or regulation of the board prescribed and adopted under this part, the board upon hearing, after giving the distributor at least ten days' notice in writing specifying the time and place of hearing and requiring him to show cause why his license should not be revoked, may revoke the license held by him. The notice may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination. The board shall not issue a new license to a distributor whose license has been revoked unless it is satisfied that he will comply with the provisions of this part and the rules and regulations of the board.

30154. Any person required to obtain a license as a distributor under this chapter who engages in business as a distributor without a license or after a license has been canceled or revoked, and each officer of any corporation which so engages in business, is guilty of a misdemeanor.

Article 2. Registration

30161. Every distributor, except one to whom a license is issued under Article 1 of this chapter, required under Section 30102 to collect the tax imposed under this part from a purchaser shall register with the board and give the names and addresses of all agents operating in this State, the location of all distribution or sales houses or offices or other places of business in this State, and such other information as the board may require.

CHAPTER 4. DETERMINATIONS

Article 1. Reports and Payments

30181. The tax imposed by this part is due and payable monthly on or before the fifteenth day of the month following each calendar month in which a distribution of cigarettes occurs.

30182. On or before the fifteenth day of each month, every distributor shall file on forms prescribed by the board a report showing the number of cigarettes distributed during the preceding calendar month by the distributor in this State and such other information as the board may require to carry out the purposes of this part.

30183. The distributor shall accompany each report with a remittance payable to the board for the amount of tax due.

30184. The board for good cause may extend for not to exceed fifteen days the time for making any report or paying any amount of tax required under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any distributor to whom an extension is granted shall pay, in addition to the amount of tax, interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the amount of tax would have been due without the extension to the date of payment.

Article 2. Deficiency Determinations

30201. If the board is dissatisfied with the report filed, it may compute and determine the amount to be paid upon the basis of any information available to it. One or more deficiency determinations may be made of the amount of tax due for one or for more than one month.

30202. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the fifteenth day after the close of the month for which the amount of the tax, or any portion thereof, should have been reported until the date of payment.

30203. In making a determination the board may offset overpayments for a month or months against underpayments for another month or months and against the interest and penalties on the underpayments.

30204. If any part of the deficiency for which a deficiency determination is made is due to negligence or intentional disregard of this part or the rules and regulations adopted under this part, a penalty of 10 percent of the amount of the determination shall be added thereto.

30205. If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade this part or the rules and regulations adopted under this part, a penalty of 25 percent of the amount of the determination shall be added thereto.

30206. The board shall give the distributor written notice of its determination. The notice may be served personally or by mail; if by mail, service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the distributor at his address as it appears in the records of the board, but the service shall be deemed complete at the time of deposit of the notice in the mail without extension of time on account of the distance between the place of deposit and the place of address.

30207. Except in the case of fraud, intent to evade the tax, or failure to make a report, every notice of a deficiency determination shall be given within three years after the date when the amount should have been reported.

Article 3. Determinations if No Report Made

30221. If any distributor fails to make a report, the board shall make an estimate of the number of cigarettes distributed by him. The estimate shall be made for the month or months in respect to which the distributor failed to make a report and shall be based upon any information available to the board. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the State, adding to the sum thus fixed a penalty equal to 10 percent thereof. One or more determinations may be made for one or for more than one month.

30222. In making a determination the board may offset overpayments for a month or months against underpayments for another month or months and against interest and penalties on the underpayments.

30223. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the fifteenth day after the close of the month for which the amount, or any portion thereof, should have been reported until the date of payment.

30224. If the failure of a distributor to file a report is due to fraud or an intent to evade the tax, a penalty of 25 percent of the amount required to be paid by the distributor, exclusive of penalties, shall be added thereto in addition to the 10 percent penalty provided in Section 30221.

30225. Promptly after making its determination the board shall give to the distributor written notice of its estimate and determination, and penalty, the notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

Article 4. Jeopardy Determinations

30241. If the board believes that the collection of any amount of tax imposed under this part will be jeopardized by delay, it shall thereupon make a determination of the amount of tax, noting that fact upon the determination. The amount determined is immediately due and payable.

30242. If the amount of the tax, interest, and penalty specified in the jeopardy determination is not paid within ten days after service upon the distributor of notice of the determination, the determination becomes final, unless a petition for redetermination is filed within the ten days, and the delinquency penalty and interest provided in Article 6 of this chapter shall attach to the amount specified.

30243. The distributor against whom a jeopardy determination is made may petition for the redetermination thereof pursuant to Article 5 of this chapter. He shall, however, file the petition for redetermination with the board within ten days after the service upon him of notice of the determination. The distributor shall at the time of filing the petition for redetermination deposit with the board such security as it may deem necessary to insure compliance with this part. The security may be sold by the board in the manner prescribed by Section 30151.

Article 5. Redeterminations

30261. Any distributor against whom a determination is made under Article 2 or 3 of this chapter may petition for a redetermination within fifteen days after service upon the distributor of notice thereof. If a petition for redetermination is not filed within the 15-day period, the determination becomes final at the expiration of the period.

30262. If a petition for redetermination is filed within the 15-day period, the board shall reconsider the determination and, if the distributor has so requested in his petition, shall grant him an oral hearing and shall give him at least ten days' notice of the time and place of the hearing. The board may continue the hearing from time to time as may be necessary.

30263. The order or decision of the board upon a petition for redetermination becomes final 15 days after mailing of notice thereof.

30264. All determinations made by the board under Article 2 or 3 of this chapter are due and payable at the time they become final. If they are not paid when due and payable, a penalty of 10 percent of the amount of the determination, exclusive of interest and penalties, shall be added thereto.

30265. Any notice required by this article shall be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

Article 6. Interest and Penalties

30281. Any distributor who fails to pay any tax, except taxes determined by the board under Article 2 or 3 of this chapter, within the time required shall pay a penalty of 10 percent of the amount of the tax, in addition to the tax, plus interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the tax became due and payable until the date of payment.

CHAPTER 5. COLLECTION OF TAX

Article 1. Suit for Tax

30301. At any time within three years after any amount of tax becomes due and payable and at any time within three years after the last recording of a certificate under Section 30222, the board may transmit notice of the delinquency to the Attorney General who shall at once proceed by appropriate legal action to collect all sums due the State.

30302. In the action a writ of attachment may issue, and no bond or affidavit previous to the issuing of the attachment is required.

30303. In the action a certificate by the board showing the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency of the amount of tax, interest, and penalty set forth, and of compliance by the board with all provisions of this part in relation to the computation and levy of the tax.

Article 2. Priority and Lien of Tax

30321. The amounts required to be paid by any person under this part together with interest and penalties shall be satisfied first in any of the following cases:

- (a) Whenever the person is insolvent.
- (b) Whenever the person makes a voluntary assignment of his assets.
- (c) Whenever the estate of the person in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased.
- (d) Whenever the estate and effects of an absconding, concealed, or absent person required to pay any amount under this part are levied upon by process of law.

This section does not give the State a preference over any recorded lien which attached prior to the date when the amounts required to be paid became a lien.

The preference given to the State by this section shall be subordinate to the preferences given to claims for personal services by Sections 1204 and 1206 of the Code of Civil Procedure.

30322. If any amount required to be paid to the State under this part is not paid when due, the board may within three years after the amount is due file for record in the office of any county recorder a certificate specifying the amount, interest, and penalty due, the name and address as it appears on the records of the board of the person liable for the same, and the fact that the board has complied with all provisions of this part in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for five years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within five years from the date of the filing of the certificate or within five years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property and such county for five years unless sooner released or otherwise discharge.

30323. The board may at any time release all or any portion of the property subject to any lien provided for in this part from the lien or subordinate the lien to other liens and encumbrances if it determines that the amount, interest, and penalties are sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the collection of the amount, interest, and penalties.

30324. A certificate by the board to the effect that any property has been released from the lien or that the lien has been subordinated to other liens and encumbrances shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in the certificate.

Article 3. Warrant for Collection of Tax

30341. At any time within three years after any person is delinquent in the payment of any amount herein required to be paid, or within three years after the last recording of a certificate under Section 30322, the board or its authorized representative may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the State under this part. The warrant shall be directed to any sheriff, marshal or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

30342. The board shall pay the sheriff, marshal or constable, upon the completion of his services pursuant to a warrant, the same fees, commissions, and expenses for his services as are provided by law for similar services pursuant to a writ of execution. The board, and not the court, shall approve the fees for publication in a newspaper.

30343. The fees, commissions, and expenses are the obligation of the person required to pay any amount under this part and may be collected from him by virtue of the warrant or in any other manner provided in this part for the collection of the tax.

Article 4. Miscellaneous Provisions

30351. The remedies of the State provided for in this chapter are cumulative, and no action taken by the board or Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this part.

30352. In all proceedings under this chapter the board may act on behalf of the people of the State of California.

CHAPTER 6. OVERPAYMENTS AND REFUNDS

Article 1. Claim for Refund

30361. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and

the person by whom the excess was paid to the board. If the State Board of Control approves, the excess shall be credited on any amounts then due and payable from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, executors, or assigns.

30362. No credit or refund shall be allowed after three years from the date of overpayment unless a claim therefor is filed with the board within three years from the date of overpayment.

30363. The claim shall be in writing and shall state the specific grounds upon which it is founded.

30364. In the case, however, of a determination by the board that an amount not exceeding twenty-five dollars (\$25) was not required to be paid under this part, the board without obtaining approval of the State Board of Control, may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may refund the balance to the person or his successors, administrators, or executors.

Article 2. Recovery of Erroneous Refunds

30381. The board may recover any refund or part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California.

30382. The action shall be tried in the County of Sacramento unless the court with the consent of the Attorney General orders a change of place of trial.

30383. The Attorney General shall prosecute the action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings.

Article 3. Suit for Refund

30401. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection under this part of any amount of tax or to prevent or enjoin the revocation of any license issued under this part or any other action whereby it is sought to enforce the payment of any amounts required to be paid.

30402. After payment of any amount, the person making the payment may bring an action against the board in a court of competent jurisdiction in the County of Sacramento for the recovery of the amount paid.

30403. No action may be instituted more than ninety days after the payment of the amount sought to be recovered. Failure to bring suit within ninety days constitutes a waiver of any demand against the State on account of alleged overpayments.

30404. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any amounts due from the plaintiff under this part, and the balance of the judgment shall be refunded to the plaintiff. In any judgment, interest shall be allowed at the rate of 6 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than thirty days, the date to be determined by the board.

30405. A judgment shall not be rendered in favor of the plaintiff in any action brought against the board to recover any amount paid when the action is brought by or in the name of an assignee of the person making the payment or by any person other than the person making the payment.

Article 4. Cancellations

30421. If any amount has been illegally determined, the board shall set forth in its records and certify to the State Board of Control the amount determined in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board.

CHAPTER 7. ADMINISTRATION

30451. The board shall enforce the provisions of this part and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this part. The board may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

30452. The board may employ accountants, auditors, investigators, assistants, and clerks necessary for the efficient administration of this part and may designate representatives to conduct hearings, prescribe regulations, or perform any other duties imposed by this part or other laws of this State upon the board.

30453. Every distributor and every person dealing in, transporting, or storing cigarettes in this State shall keep such records, receipts, invoices, and other pertinent papers with respect thereto in such form as the board may require.

30454. The board or its authorized representative may examine the books, papers, records, and equipment of any person dealing in, transporting, or storing cigarettes and may investigate the character of the disposition which the person makes of the cigarettes in order to ascertain whether all taxes due under this part are being properly reported and paid.

30455. It is unlawful for the board or any person having an administrative duty under this part to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any report, or to permit any report or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. However, the Governor may, by general or special order, authorize examination of the reports by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person.

Any violation of this section is a misdemeanor and is punishable by a fine not exceeding one thousand dollars (\$1,000), by imprisonment not exceeding one year, or by both in the discretion of the court.

CHAPTER 8. DISPOSITION OF PROCEEDS

30461. All amounts required to be paid to the State under this part shall be paid to the board in the form of remittances payable to the State Board of Equalization of the State of California. The board shall transmit the payments to the State Treasurer to be deposited in the State Treasury to the credit of the Cigarette Tax Fund, which fund is hereby created.

30462. All money deposited in the Cigarette Tax Fund under this part shall, upon order of the State Controller be drawn therefrom for refunds under this part or be transferred to the General Fund of this State.

CHAPTER 9. VIOLATIONS

30471. Any person who fails or refuses to file any report required to be made, or who fails or refuses to furnish a supplemental report or other data required by the board, or who renders a false or fraudulent report is guilty of a misdemeanor and subject to a fine of not exceeding five hundred dollars (\$500) for each offense.

30472. Any person required to make, render, sign, or verify any report who makes any false or fraudulent report with intent to defeat or evade the determination required by law to be made is guilty of a misdemeanor. He shall for each offense be fined not less than three hundred dollars (\$300) and not more than five thousand dollars (\$5,000), or be imprisoned for not exceeding one year in the county jail, or be subject to both fine and imprisonment in the discretion of the court.

30473. Any violation of the provisions of this part, except as otherwise provided, is a misdemeanor and is punishable as such.

Sec. 2. The sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as may be necessary, is appropriated for the support of the State Board of Equalization in administering Part 13 of Division 2 of the Revenue and Taxation Code during the fiscal year beginning July 1, 1949, and ending June 30, 1950.

Sec. 3. This act, inasmuch as it provides for a tax levy shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately."

Amendment No. 4

On page 1 of said bill, strike out lines 3 to 24, inclusive, and strike out all of pages 2 to 10, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Parkman moved that Senate Bill No. 371 be taken from the inactive file and placed on the second reading file.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to have the following opinion of the Legislative Counsel relative to Senate Bill No. 1066, printed in the Journal.

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, March 29, 1949

Hon. George J. Hatfield

Senate Chamber

Analysis of Attorney General's Opinion on
Senate Bill No. 1066—No. 5330

DEAR SENATOR HATFIELD: You have asked us to discuss the points and authorities, concerning the constitutionality of Senate Bill 1066, presented in the Attorney General's Opinion of March 23, 1949, printed in the Senate Journal of March 24, 1949, at pages 719-724.

Those points (which will be referred to in this analysis by the number preceding them immediately below) are summarized at the conclusion of the opinion as follows:

"(1) Section 1134 (prohibiting peaceful secondary picketing) and Section 1136 (prohibiting other means of publication and persuasion) are constitutional only if the legislative finding of a clear and present danger is upheld by the courts.

"(2) Section 1133 prohibiting secondary boycotts (i.e., secondary strikes), is invalid as a violation of the Thirteenth Amendment, at least where the labor objective in the primary dispute is lawful and there is 'interdependence of economic interest' between the primary dispute and the secondary strike.

"(3) The impossibility of a judicial revision of Section 1133 would cause the entire statute to fall, regardless that it might be constitutionally applied in limited situations."

Preliminarily, let us observe that even if Sections 1134, 1136, and 1133 were found wholly invalid and inoperative, it would not follow that the entire statute must fall. There would be left, separate and intact, the text of Sections 1132 (hot cargo) and 1135 (employer unfair practices), neither of which impinges upon any of the fundamental freedoms. Nor do we find in the opinion the point made or urged that Section 1132 or Section 1135, considered entirely by itself (without any reference to or connection with Sections 1133, 1134, or 1136) would be constitutionally vulnerable.

However, we do not believe that the cases cited by the Attorney General support his conclusions in several important respects.

As to Section 1134, point one presupposes that the prohibition of peaceful secondary picketing depends upon the existence of a clear and present danger to the security of the government or the carrying out of its functions.

The only clear-cut case that has reached the United States Supreme Court involving secondary picketing was *Carpenters and Joiners Union, etc. v. Ritters Cafe* (1942), 315 U. S. 722. The facts of the case were that

Ritter had made a contract with a builder to construct a building not connected in any way with his cafe and 24 blocks from it. The contract was silent as to the type of labor to be hired. The contractor employed nonunion carpenters and the carpenters union picketed Ritter's cafe. The Texas court enjoined the picketing and the United States Supreme Court sustained the injunction.

The *Ritter* case presents no element of clear and present danger. Rather, it illustrates the fact that the states may confine the sphere of freedom of communication to the area of the dispute.

The only other case that could be construed as one involving secondary picketing is that of *Bakers and Pastry Drivers v. Wohl* (1942), 315 U. S. 769.

The facts in that case were that certain independent jobbers owned their own trucks and purchased bakery products from manufacturers and sold them to retailers. The jobbers had no employees. The union attempted to unionize the jobbers or make them agree to hire union drivers one day each week. When the jobbers refused, the union picketed the manufacturing bakeries.

The New York court enjoined the picketing on the ground that no labor dispute existed. The United States Supreme Court reversed the decree. It pointed out that the absence of a labor dispute was not the sole criterion. However, in concluding that the injunction was improper, the court took care to point out that the jobbers' "mobility and their insulation from the public as middlemen" made it practically impossible for the union to make known its grievances to the public which supported the peddler system by other means of communication and that the picketing had "slight, if any, repercussions" on strangers to the dispute.

The *Wohl* case, therefore, does not present a clear cut case of secondary picketing but a form of primary picketing compelled by the peculiar facts of the case to be conducted at the place where the employer's ambulatory business occasionally stopped. In any event, it did not involve the question of clear and present danger.

All other cases relating to picketing that have reached the United States Supreme Court were cases involving primary picketing which would not be proscribed by Section 1134.

Therefore, the assumption that Section 1134 depends upon the doctrine of a clear and present danger is not sustained by the decisions.

As to Section 1133, point two presupposes that the prohibition of secondary boycotts violates the Thirteenth Amendment, the prohibition against involuntary servitude. The opinion cites *Charles Wolf Packing Co. v. Court of Industrial Relations*, 262 U. S. 522, *Pollock v. Williams*, 322 U. S. 4, and *Southern California Iron & Steel Co. v. Amalgamated Association*, 186 Cal. 604, in support of this point.

A careful reading of the cases cited fails to disclose any that even mention the Thirteenth Amendment and a careful search has failed to reveal any case in which the United States Supreme Court has held or said that a statute or injunction prohibiting a strike—that is a *concerted* refusal to work—violates the Thirteenth Amendment.

There is nothing whatever in the bill which would prohibit any *individual* from terminating his employment at any time he chooses.

Point 3 is based upon the assumption that a judicial revision of Section 1133 would be necessary. This, in turn, rests upon the assumption that the section is invalid as a violation of the Thirteenth Amendment. As we have seen, there is no support for this proposition so point 3 needs no discussion.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By A. C. MORRISON, Deputy

Chief Assistant Secretary Cleve V. Taylor at the Desk

CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS

Senate Bill No. 51—An act to amend Section 2316 of the Public Resources Code, relating to fees for recording affidavits of labor or improvements on mining claims.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1 of the printed bill, strike out lines 8 to 12, inclusive.

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 692—An act to amend Sections 4741, 4762, and 4788 of, add Section 4742.1 to, and to repeal Sections 4797 and 4798 of the Health and Safety Code, relating to county sanitation districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 6—An act to add Section 2333.5 to the Health and Safety Code, relating to annexation of cities to mosquito abatement districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1220—An act to amend Section 8802 of the Health and Safety Code, relating to cemetery associations.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 682—An act to amend Section 2559.5 and to add Sections 2600.5 and 2603 to the Health and Safety Code, relating to the control of tuberculosis and providing penalties for the violation thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, after the word "Sections", insert "2559.6."

Amendment No. 2

On page 2 of said bill, between lines 21 and 22, add new section as follows:

"SEC. 1.5. Section 2559.6 is added to said code, to read:

2559.6. No examination or inspection shall be required of any person who depends exclusively on prayer for healing in accordance with the teachings of any well recognized religious sect, denomination or organization and claims exemption on such ground, except that the provisions regarding isolation and quarantine shall apply where there is probable cause to suspect that such person is infected with the disease in a communicable stage. Such person shall not be required to submit to any medical treatment, or to go to or be confined in a hospital or other medical institution provided he can be safely quarantined in his own home or other suitable place of his choice."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1162—An act to amend Section 1415 of the Health and Safety Code, and Section 112 of the Welfare and Institutions Code, relating to licensing of hospitals.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On the second line of the title of the printed bill as amended in the Senate on March 24, strike out "Section 112", and insert "Sections 112 and 121".

Amendment No. 2

On page 2, line 12, of said bill, after "hospitals", insert ", and except that all plans for the use of existing buildings or for new buildings, parts of buildings, or additions to or alterations in buildings, for any such hospitals shall, before their adoption, be submitted to the department for suggestions and approval as to the social requirements of the occupants".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 2 of said bill, after line 22, insert

"SEC. 3. Section 121 of the Welfare and Institutions Code is amended to read:

121. All plans for the use of existing buildings or for new buildings, parts of buildings, or additions to or alterations in buildings, for any public institution under the supervision of the department or for any state, city, or county charitable institution (other than [an institution] *county hospitals and institutions* under the jurisdiction of another state department) or for any privately operated institution which receives state aid for the care or support of its inmates shall, before their adoption, be submitted to the Department of Social Welfare for suggestions and approval as to the social requirements of the occupants."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 556—An act to add Section 161b to the Civil Code, relating to payments or refunds made pursuant to a retirement or death benefits plan.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1013—An act to add Section 7057 to the Revenue and Taxation Code, relating to registration of employers under the California Unemployment Insurance Act by officers and employees of the Board of Equalization.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1245—An act to amend Sections 11371, 11380, 11382.5, 11421, 11422, and 11423 of the Government Code, relating to administrative regulations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, line 40, of the printed bill, following the word "agency", insert "in a written instrument filed with, or as part of, the regulation or order of repeal".

Amendment No. 2

On page 2, line 47, of said bill, following the word "agency", insert "in a written instrument filed with, or as part of, the regulation or order of repeal".

Amendment No. 3

On page 2, line 48, of said bill, following the word "agency", insert "in a written instrument filed with, or as part of, the regulation or order of repeal".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1327—An act to amend Section 1094.5 of the Code of Civil Procedure, relating to the review of administrative orders or decisions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 24, of the printed bill, after the word "imposed", insert "or continued".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1337—An act to amend Section 2952 of the Civil Code, relating to the recordation of mortgages and deeds of trust.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 9, of the printed bill, after the word "any", insert "such".

Amendment No. 2

On page 2 of said bill, after line 19, add a paragraph to read

"Whenever a document or paper is presented for recordation on which is set forth, apart and separated from any other writing, typing or printing thereon (1) a mortgage or deed of trust that refers to and incorporates therein provisions of a fictitious mortgage or deed of trust as provided herein, or (2) a mortgage or deed of trust that refers to and incorporates therein provisions of some other instrument theretofore recorded in the office of any county recorder, and (3) such mortgage or deed of trust, set forth on such document or paper, is, of itself, entitled to recordation, then any such other writing, typing or printing on such document or paper, whether on the reverse side from where such mortgage or deed of trust is set forth or on the same side thereof, shall not be recorded by the county recorder to whom such document or paper is presented for recordation if such other writing, typing or printing is preceded by the

words or clearly marked, "Do not record" or "Not to be recorded" or the like. In such case the county recorder shall record only the mortgage or deed of trust set forth on such paper or document and shall not be liable for so doing, any other provisions of law to the contrary notwithstanding."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1406—An act to add Section 631.3 to the Code of Civil Procedure, relating to jury fees.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 7, inclusive, and insert "631.3. Notwithstanding any other provisions of law, when a party to the litigation has deposited jury fees with the county clerk and the case is settled or a continuance is granted on motion of the party depositing said jury fees, none of said deposit shall be refunded if the court finds there has been insufficient time to notify the jurors that the trial would not proceed at the time set. If said jury fees so deposited are not refunded for the reasons herein specified, said fees shall revert to the county and be deposited in the jury fund of the county."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 996—An act to amend Section 108 of the Civil Code, relating to divorce actions on grounds of insanity.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 317—An act declaring all buildings or places, other than private dwellings, used or resorted to for purposes of public gambling to be nuisances, and providing for the abatement and prevention of such nuisances by injunction and otherwise.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 113—An act to amend Section 4532 of the Penal Code, relating to punishment and escape from a county or city jail, prison, industrial farm, or road camp.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 65—An act to amend an initiative act entitled "An act to amend an act entitled 'An act for the certification of land titles and the simplification of the transfer of real estate,' approved March 17, 1897," approved by electors November 3, 1914, by adding Sections 48.1 to 48.9, inclusive, thereto, relating to the withdrawal of land from registry under the said act, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 115—An act to amend Section 672 of the Penal Code, relating to fines.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 137—An act to amend Section 969(b) of the Penal Code, relating to proof of previous conviction of crime by certified records.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 232—An act to amend Section 9 of the Dangerous Weapons Control Law, relating to dealer's registers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1264—An act to amend Section 1013 of the Code of Civil Procedure, relating to service by mail.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 454—An act to amend Section 5392 of the Streets and Highways Code, relating to the Improvement Act of 1911.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 144—An act to amend Section 4433 of the Public Resources Code, relating to state payments to counties in lieu of taxes on land acquired for state forests.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 481—An act to amend Section 3952 of the Revenue and Taxation Code, relating to actions by purchasers of tax deeded property to determine adverse claims to, or clouds upon that property.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 9 of the printed bill, strike out "alleged in the complaint", and insert "known".

Amendment No. 2

In line 11 of said bill, strike out the period and insert "or if such person is believed to be dead and such belief is alleged in the complaint on information and belief then the heirs and devisees of such person may also be sued as 'the heirs and devisees' of said person, naming him, provided that such person is also named as a defendant."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1509—An act to add Section 2620 to the Revenue and Taxation Code, relating to payments to taxing agencies.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Joint Resolution No. 22—Relative to reimbursing counties for the loss of revenue caused by federal ownership of lands within the counties.

Resolution read.

PROCEEDINGS UNDER CALL OF THE SENATE
CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 268—An act to amend Section 4629 of the Education Code, relating to unified school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1379—An act to add Section 7.5 to an act entitled "An act to provide for the organization, government, powers and functions of flood control and flood water conservation districts," approved June 8, 1931, relating to eminent domain.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Abshire asked for, and was granted, unanimous consent to have the following opinion of the Legislative Counsel relative to eminent domain, printed in the Journal:

Opinion of Legislative Counsel

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, March 16, 1949

Hon. F. Presley Abshire
Senate Chamber

Eminent Domain—No. 4771

DEAR SENATOR ABSHIRE: You have asked us, in relation to Senate Bill 1379 giving flood control and conservation districts organized under Deering Act 9178 the power of eminent domain, two questions, namely: (1) Is there a need for such a district to have the power of eminent domain, and (2) Has this type of district such power already?

Question No. 1

The power of eminent domain is the superior right to property which the sovereign state has over private property. Such power has been limited, especially in the United States, to provide that the property must be taken for a public use and that just compensation must be paid.

The Legislature's declaration of what is a public use has been given great weight and is seldom upset by the courts unless purely arbitrary and having no relation to a public function.

The power may be delegated to a public or private corporation or even to an individual if it is to be used for a public purpose. In California, the Legislature has found it necessary, in order to carry out the functions of the State, to create many districts to cope with specific problems in particular geographic areas. To the majority of these districts the State has delegated its power of eminent domain.

Attached is a list of most of the districts of California, segregated as to those that have the power of eminent domain and those that do not. You will notice that the list of those having the express power of eminent domain is greater by far than those that do not. Especially is this true in those districts dealing with water problems and flood control.

The fact that the flood control and conservation districts created under Deering Act 9178 do not have such express power may be viewed as an exception to the general rule.

The principal reason for any district or unit of government to have this power is to enable it to acquire property without the excessive use of public moneys in the case where some property owner will not sell except at an exorbitant price, and if such property owner would not sell at all the whole program might be curtailed.

The property owners are protected by the statutes and Constitution of this State in that a full and adequate determination must be made by the courts of this State, after application by the particular governmental unit exercising the power of eminent domain. The uses and necessity for taking such private property must be set out in full and the determination of the amount of compensation must be made only after sufficient evidence is presented by both the property owner and the governmental unit. The principal statute regulating the procedure in eminent domain is Section 1241 of the Code of Civil Procedure. In this proceeding not only can the land owner present evidence as to the value of his property but he may even question the necessity of such taking and the fact that it is going to be used for a public purpose.

Question No. 2

The general rule is the power of eminent domain must be expressly given by the Legislature to a local agency, district, or individual before the latter can exercise the power. Statutes conferring the power have been strictly construed by the courts. The California case of *People v. Superior Court* (1937) 10 Cal. 2d 288, at p. 295, states the rule as follows:

"It is a well established legal principle that although the power of eminent domain is inherent in sovereignty, nevertheless neither the State itself nor any subsidiary thereof may lawfully exercise such right in the absence of precedent legislative authority so to do. And equally established is the rule that the agency to which has been delegated the authority to institute a condemnation action has the exclusive power in the premises. In that regard, in the case of *San Joaquin etc. Irr. Co. v. Stevinson*, 164 Cal. 221, 226 [128 Pac. 924], it is said: 'It is conceded by plaintiff that the power of eminent domain is vested in the State, and that no person or corporation can avail himself or itself of that power, even in aid of a recognized public use, unless the State has granted to such person or corporation a right to exercise the power for the particular use proposed. There must be a statute conferring the power, either expressly or by necessary implication * * *'"

There is some authority for the proposition that a corporation or agency may without express power of eminent domain still condemn property for public use. There is no case directly in point on the type of district involved in Deering Act 9178, but the case of *Dexeret Company v. State of California* (1914), 167 Cal. 147, at page 157, says:

"The argument is advanced that the complaint shows that the articles of incorporation empowered the plaintiff to 'acquire' lands and property rights for the purposes of public use, but it is argued that the right to acquire does not include the right to condemn, yet Section 1001 of the Civil Code uses this very word in declaring that 'any person may * * * acquire private property for any use specified in Section 1238' of the Code of Civil Procedure by proceeding in eminent domain."

The above case involved a private corporation and it is not the practice to put the express power of eminent domain in articles of incorporation of a private corporation. The attached list indicates that the Legislature has expressly given the power of eminent domain to public governmental units in the majority of cases. Such governmental units generally are not considered "persons" under Section 1001 of the Civil Code.

On the other hand, the Legislature did in permitting the creation of flood control districts under Deering Act 9178 recognize the function of flood control as a public use and the districts under the act may acquire land by "other legal means" in addition to "gift, purchase, lease, or contract;" also, the list of public uses for which the power of eminent domain may be used, as set forth in Section 1238 of the Code of Civil Procedure, includes the following: "... * * * necessary for the proper development and control of such use of said water * * * raising the banks of streams * * *" etc. This might seem to indicate the use of eminent domain to accomplish the purposes of flood control and water conservation, as provided in Deering Act 9178. Yet the general rule is that the power must be spelled out and not left in doubt.

To remove any doubt as to the existence of power of eminent domain in the districts created under Deering Act 9178, it would be advisable to add language similar to that in Senate Bill 1379 to expressly give such power to such districts, if this result is desired.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By ROBERT E. NISBET, Deputy

**List of Districts in California Indicating the Existence or Nonexistence
of the Power of Eminent Domain—No. 4771**

The following districts have the power of eminent domain :

Flood Control Districts

	<i>Citation</i>
American River Flood Control District.....	Deering Act 320, Secs. 2F and 23
Humboldt County Flood Control District.....	Deering Act 3515, Sec. 7
Los Angeles County Flood Control District.....	Deering Act 4463, Secs. 16 and 16½
Monterey Flood Control and Water Conservation District.....	Deering Act 5064, Secs. 5 and 6
Orange County Flood Control District.....	Deering Act 5682, Sec. 2 (6)
Riverside County Flood Control District.....	Deering Act 6642, Sec. 9
San Bernardino Flood Control District.....	Deering Act 6850, Secs. 2 (8) and 25
San Luis Obispo County Flood Control and Water Conservation District.....	Deering Act 7205, Secs. 5 (4) and 6
Ventura County Flood Control District.....	Deering Act 8955, Sec. 7 (8)

Other Districts Having the Power of Eminent Domain

Automobile Parking Districts.....	Deering Act 5131.1, Sec. 1; Deering Act 5131.2, Sec. 202
Boulevard Districts	Streets and Highways Code, Sec. 26113
Bridge and Highway Districts.....	Streets and Highways Code, Sec. 30403
Conservancy Districts	Deering Act 1585, Secs. 16 and 17
County Power Pumping Districts..... (Note: Power exercised by board of supervisors for district)	Deering Act 3870, Sec. 12
County Recreation Districts.....	Public Resources Code, Sec. 5439
County Sanitation Districts.....	Health and Safety Code, Secs. 4740, 4760
County Water Districts.....	Deering Act 9124, Sec. 12.9
Drainage Districts	Drainage District Act, 1885, Deering Act 2200, Sec. 18; Deering Act 2202 (1903), Sec. 16; Deering Act 2204 (1923), Sec. 26
Drainage Improvement Districts.....	Deering Act 2203, Sec. 22
Garbage Disposal Districts.....	Health and Safety Code, Sec. 4120 (c)
Harbor Districts	Harbors and Navigation Code, Sec. 6076
Harbor Improvement Districts.....	Harbors and Navigation Code, Sec. 5900.4
Hospital Districts	Health and Safety Code, Sec. 32121
Irrigation Districts	Water Code, Secs. 22455 and 22458
Joint Highway Districts.....	Streets and Highways Code, Secs. 25050, 25052, 25280, 25281
Joint Municipal Sewer Disposal Districts.....	Deering Act 7551, Sec. 34
Levee Districts.....	Deering Act 4284, Sec. 15
Local Health Districts.....	Health and Safety Code, Sec. 936 (h)
Memorial Districts.....	Military and Veterans Code, Sec. 1191 (b)
Metropolitan Water Districts..... (Note: Cannot take water or water rights already devoted to public use.)	Deering Act 9129, Sec. 5
Monterey Peninsula Airport Districts.....	Deering Act 153, Secs. 5 and 6
Mosquito Abatement Districts.....	Health and Safety Code, Secs. 2270 (d), (e)
Municipal Port Districts.....	Harbors and Navigation Code, Secs. 5336, 5342
Municipal Utility Districts.....	Deering Act 6393, Secs. 12 (4), (6)

	Citation
Orange County Water District..... (Note: Cannot take water or water rights already devoted to public use, or land used for a study of plant life.)	Deering Act 5683, Sec. 2(8)
Overflow Districts.....	Deering Act 5736, Sec. 30
Pest Abatement Districts.....	Health and Safety Code, Sec. 2853
Placer Mining Districts.....	Public Resources Code, Secs. 2473(b), 2498, 2499
Port Districts.....	Harbors and Navigation Code, Sec. 6206
Protection Districts..... (Note: Powers exercised by board of super- visors for limited purposes concern- ing safe water courses.)	Deering Act 6172, (1880), Sec. 4; Deering Act 6174 (1895), Sec. 5; Deering Act 6175 (1907), Sec. 15
Public Utility Districts.....	Deering Act 6390 (1913), Sec. 12; Deering Act 6392 (1915), Sec. 35; Deering Act 6391 (1921), Sec. 30
Recreation Districts.....	Political Code, Sec. 3471
Recreational Harbor Districts.....	Harbors and Navigation Code, Secs. 6592, 6614
Recreational Park and Parkway Districts.....	Public Resources Code, Sec. 5439
Regional Park Districts.....	Public Resources Code, Sec. 5542
Regional Shoreline Park and Recreation District (Note: Cannot take property from municipal utility districts.)	Public Resources Code, Secs. 5722 and 5725
Resort Districts.....	Deering Act 6555, Secs. 25 and 26
River Port Districts.....	Harbors and Navigation Code, Sec. 6896
Sacramento and San Joaquin Drainage District..... (Note: Power exercised by the reclamation board for the district.)	Water Code, Sec. 8597
Sanitary Districts.....	Health and Safety Code, Sec. 6514
Santa Barbara County Water Agency..... (Note: Except cannot take public owned prop- erty used for water storage, etc.)	Deering Act 7303, Sec. 3.4
Sewer Maintenance Districts.....	Health and Safety Code, Sec. 5001
Soil Conservation Districts.....	Public Resources Code, Secs. 9252, 9280
Storm Drain Maintenance Districts..... (Note: Power exercised by board of supervisors for district.)	Deering Act 2208, Sec. 5; Deering Act 2208a, Sec. 11
Storm Water Districts.....	Deering Act 6176, Sec. 8
Supervisory Road Districts..... (Note: Power exercised by board of supervisors for district.)	Streets and Highways Code, Sec. 9766
Transportation Districts.....	Deering Act 8647, Sec. 20(11)
Vehicle Parking Districts.....	Deering Act 5131.3, Sec. 1(4)
Ventura County Harbor District.....	Deering Act 8956, Sec. 3(F)
Water Districts.....	Deering Act 9125, Sec. 27
Water Conservation Districts.....	Deering Act 9127 (1923), Sec. 19; Deering Act 9127a (1927), Sec. 26; Deering Act 9127b (1929), Sec. 25; Deering Act 9127c (1931), Sec. 26
Water Storage and Conservation Districts.....	Deering Act 9126a, Sec. 20(6)
Water Storage Districts.....	Deering Act 1926, Sec. 26
The following districts do not expressly have the power of eminent domain:	
Air Pollution Control Districts.....	Chapter 2, Health and Safety Code
Citrus Pest Control Districts.....	Deering Act 130
County Fire Protection Districts.....	Health and Safety Code
County Flood Control Districts.....	Water Code
County Maintenance Districts.....	Streets and Highways Code
County Water Works Districts.....	Deering Act 9123
Drainage Improvement Districts..... (Note: Except through drainage districts.)	Deering Act 2203

Citation

Elementary School Districts.....	Education Code
Fire Protection Districts.....	Health and Safety Code
Flood Control and Flood Water Conservation Districts.....	Deering Act 9178
Forest Insect Infestation Districts.....	Public Resources Code
High School Districts.....	Education Code
Highway Lighting Districts.....	Streets and Highways Code
Horticultural Development Districts.....	Deering Act 3417
Horticultural Protection Districts.....	Deering Act 3418
Joint Harbor Improvement Districts.....	Harbors and Navigation Code
Junior College Districts.....	Education Code
Library Districts.....	Education Code
Municipal Lighting Maintenance Districts.....	Streets and Highways Code
Municipal Sewer Districts.....	Health and Safety Code
Municipal Water Districts.....	Deering Act 9131
Park Recreation and Parkway Districts.....	Public Resources Code
Permanent Road Division.....	Streets and Highways Code
Police Protection Districts.....	Health and Safety Code
Public Cemetery Districts.....	Health and Safety Code
Public Service Districts.....	Labor Code
Rural Sewer Districts.....	Health and Safety Code
Special Municipal Tax Districts.....	Deering Act 5213
Unified School Districts.....	Education Code

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 704—An act to add Part 6.5 to Division 11, and Article 2.5 to Chapter 3, Part 8, Division 11, of the Water Code, and to add Section 25803.5 to said code, relating to distribution districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 983—An act to amend Section 2848 of the Elections Code, relating to termination of membership in a county central committee.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 984—An act to amend the heading of Chapter 4, Division 7 of; to repeal the article heading of Article 1, Chapter 4, Division 7 of; and to add Sections 5251, 5252, and 5253 to the Elections Code, relating to political corporations and associations.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 985—An act to add Section 5301.5 to, and to amend Section 5302 of, the Elections Code, relating to solicitation of funds for political purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1423—An act to amend Section 2541 of, and to add Section 2542 to, the Elections Code, relating to the office of Director of the Department of Social Welfare.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 980—An act to amend Section 2609 of the Elections Code, relating to elections.

Motion to Refer Bill to Inactive File

Senator Kraft moved that Senate Bill No. 980 be placed on the inactive file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1813—An act to add Section 19314 to the Education Code, relating to retirement contributions of cafeteria employees, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator O'Gara.

Urgency Clause

Urgency clause read, and adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 60—Relative to the general observance of Cabrillo Day and authorizing the Governor of the State of California to make appropriate proclamation with respect thereto.

Resolution read, and presented by Senator Kraft.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.18 p.m., on motion of Senator Dilworth, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Constitutional Amendment No. 5 refused adoption by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, Parkman, Powers, Regan, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—26.

NOES—Senators Hugh M. Burns, Busch, Desmond, Dillinger, Drobish, Gibson, Jespersen, Mayo, Miller, O'Gara, and Salsman—11.

Motion to Reconsider

Senator Dilworth moved to reconsider the vote whereby Senate Constitutional Amendment No. 5 was refused adoption.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—34.

NOES—None.

The President ordered Senate Constitutional Amendment No. 5 placed on the Third Reading File.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Rich:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 6210.5, 6813, and 6827 of the Public Resources Code, relating to lands owned by the State, including tidelands and submerged lands, beds

of navigable rivers and lakes, lands held in proprietary or sovereign capacity, and other lands, providing for the administration, management, leasing, and disposition thereof, and of the oil and gas and other mineral deposits within or upon such lands.

Respectfully submitted,

SENATOR RICH

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 30, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Natural Resources.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Watson, Weybret, and Williams—30.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 1618: By Senator Rich—An act to amend Sections 6210.5, 6813, and 6827 of the Public Resources Code, relating to lands owned by the State, including tidelands and submerged lands, beds of navigable rivers and lakes, lands held in proprietary or sovereign capacity, and other lands, providing for the administration, management, leasing, and disposition thereof, and of the oil and gas and other mineral deposits within or upon such lands.

Referred to Committee on Natural Resources.

RECESS

At 3.25 p.m., on motion of Senator Powers, the Senate recessed to allow Senator Gibson to introduce to the Senate the Honorable Rear Admiral Frank J. Lowry, Commander of the Mare Island Area, U. S. Naval Base at Vallejo, and to hear his remarks.

REASSEMBLED

At 3.30 p.m., the Senate reconvened.

Hon. Goodwin J. Knight, President of the Senate, presiding.
Chief Assistant Secretary Cleve V. Taylor at the desk.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Joint Resolution No. 26: By Senators Regan, Michael J. Burns, Kraft, Hulse, Abshire, Busch, Collier, and Powers—Relative to memorializing Congress to refuse passage of H. R. 2394, creating a

Franklin Delano Roosevelt Memorial Redwood Forest in the Counties of Del Norte, Humboldt, Mendocino and Sonoma, State of California.

Referred to Committee on Rules.

Secretary J. A. Beek at the Desk

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred: Senate Bill No. 1250

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 249

Senator Regan moved that Senate Bill No. 249 be withdrawn from Committee on Natural Resources for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 249—An act to amend Section 4165 of the Public Resources Code, relating to fire protection and regulating the disposal of waste material.

Bill read second time.

Motion to Amend

Senator Regan moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 6, of the printed bill, after "distance", insert ","; and after "which", strike out "have", and insert "has".

Amendment No. 2

On page 2, line 8, of the said bill, after "tative", insert ",".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 47

Senate Bill No. 259

Senate Bill No. 855

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 349

Senate Bill No. 1016

Senate Bill No. 550

Senate Bill No. 1468

Senate Bill No. 552

Assembly Bill No. 2840

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Senate Bill No. 975

Senate Bill No. 1282

Senate Bill No. 1285

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Senate Bill No. 824

Senate Bill No. 971

Senate Bill No. 970

Senate Bill No. 976

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1082

And reports the same correctly engrossed.

POWERS, Chairman

ADJOURNMENT

At 3.35 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Thursday, March 31, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FORTIETH LEGISLATIVE DAY
EIGHTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, March 31, 1949

The Senate met at 1.30 p.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:
Senator Michael J. Burns, on motion of Senator McBride, due to illness.

Senator Dorsey, on motion of Senator McBride, due to illness.

Senator Tenney, on motion of Senator McBride, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Coombs and Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert M. Hoffman and Courtney Bovee of Red Bluff.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dietz Nelson and Glen A. Wilson of Perris.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Tom Quinn of Eureka.

On request of Senators Collier and Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Col. G. Harold Millican, K.C.M.C. of Calgary, Alberta, Canada.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. David Land of Tulare.

On request of Senators Desmond and Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Maude Welsh and Mrs. Pearl Ault of Sacramento.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Bauer of Lone Pine.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Suzie A. Corpstein and Agnes Hillary, instructors, and the following students of the Fairmont School of San Francisco: Robert Babbick, Patricia Bandarre, Chesley Gersh, George Hall, Norman Hard, Glenn Hargrave, William Kelly, Alex Kruchin, Betty McAdam, Donald McFarland, Albert Mattson, John Nowak, Marcia Norstrom, Lois Packer, Mary Lou Passanisa, Judith Pearson, Delena Powell, Diane Richard, Juan Salcedo, Claudette Schroeder, Fay Schwenlauf, Don Yager, Harry Larson, Cleve Carter, Justin Bartholomew, Milton Ziegler, Gaynel Koch, Lettya Burger, Charles Block, Bob Ross, Nick Korpontinos, Robert Fahey, Francis Kelly, Richard Bulloch, Jack Derian, Armand Lugon, Loy Barker, Dan Fay, Bob Stevens, Barbara Cooper, Anna Astmos, Helen Price, Patricia O'Brien, Victoria Zepeda, Shirley Anthony, Arabella Bernal, Elaine Carlson, David Matheson, Billie Armstrong, Jack Harden, Maureen Long, Yvonne Cooper, Eleanor Assalino, Joan Litch, Patricia Clinton, Joann Paterson, Patricia Dill, Carmen Dorich, Arthur Solorzano, Shirley Tompkins, Robert Waldren, Charlotte Wright, and Jacqueline Butler.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator T. H. DeLap of Richmond.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. K. N. Cooper, Norah Lavers, instructor, and the following students of the Liberty Union High School of Brentwood. These students are members of the California Scholarship Federation Honor Society: Catherine Callaghan, Gwen Carlyon, Lorraine Carlyon, Neila Neilson, Esther Matsuda, Billie Robbins, Gladys Pitau, Betty Firpo, Fukiko Yagi, Bruce Soderstrom, John Bristow, Pat O'Brien, Marvin Lindorf, Dave Anderson, Pat Rennels, Edna Bettencourt, Beverly Colburn, Carolyn Carpenter, Lois Welches, Dennis O'Brien, Mary Mutsuda, and Wilda Fuggett.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Oscar Evans of Berkeley.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. W. Cropper of San Francisco.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. W. Bond of Weimar.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. A. Sayre, Jr. and Mr. Summy Lytken of Sacramento.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Charles A. Butler of Santa Barbara.

On request of Senators Parkman and Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. T. A. Bartlett and Bill Bartlett of San Mateo.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ray Dinely, Superintendent of Schools at Santa Paula.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 92

Senate Bill No. 167

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 256

Assembly Bill No. 352

Assembly Bill No. 427

Assembly Bill No. 563

Assembly Bill No. 671

Assembly Bill No. 720

Assembly Bill No. 846

Assembly Bill No. 892

Assembly Bill No. 893

Assembly Bill No. 1270

Assembly Bill No. 1523

Assembly Bill No. 1538

Assembly Bill No. 1585

Assembly Bill No. 1684

Assembly Bill No. 1687

Assembly Bill No. 1752

Assembly Bill No. 2502

Assembly Bill No. 3096

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 256—An act to amend Sections 3047, 3048, and 3051 of the Business and Professions Code, relating to professional courses in optometry.

Referred to Committee on Business and Professions.

Assembly Bill No. 352—An act to amend Section 827 of the Agricultural Code, relating to apple standards.

Referred to Committee on Agriculture.

Assembly Bill No. 427—An act to add Section 641.1 to the Welfare and Institutions Code, relating to the powers and duties of probation officers.

Referred to Committee on Social Welfare.

Assembly Bill No. 563—An act to amend Section 695 of the Elections Code, relating to election officer's right of absence from employment.

Referred to Committee on Elections.

Assembly Bill No. 671—An act to amend Section 1812 of the Education Code, relating to school district elections.

Referred to Committee on Elections.

Assembly Bill No. 720—An act to amend Section 5931 of, and to add Section 5931.5 to, the Elections Code, relating to absentee voting.

Referred to Committee on Elections.

Assembly Bill No. 846—An act to amend Section 681 of the Agricultural Code, relating to license for testers and pasteurizers.

Referred to Committee on Agriculture.

Assembly Bill No. 892—An act to amend Section 3447 of the Welfare and Institutions Code, relating to the blind.

Referred to Committee on Social Welfare.

Assembly Bill No. 893—An act to add Section 3451 to the Welfare and Institutions Code, relating to the blind.

Referred to Committee on Social Welfare.

Assembly Bill No. 1270—An act to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved by electors November 7, 1922, by adding Section 8.1 thereto, relating to the rights of blind person in respect to the study and practice of chiropractic, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution.

Referred to Committee on Social Welfare.

Assembly Bill No. 1523—An act to repeal Article 4, comprising Sections 4600 to 4611, inclusive, of Chapter 1, Division 7 of the Elections Code, relating to campaign expenditures.

Referred to Committee on Elections.

Assembly Bill No. 1538—An act to add Section 132.5 to the Elections Code, relating to registration of members of the armed forces.

Referred to Committee on Elections.

Assembly Bill No. 1585—An act to amend Sections 1562, 2190, and 3091.5 of the Welfare and Institutions Code, relating to the destruction of records of needy persons.

Referred to Committee on Social Welfare.

Assembly Bill No. 1684—An act to amend Section 1772 of the Elections Code, relating to municipal referendum.

Referred to Committee on Elections.

Assembly Bill No. 1687—An act to amend Section 24400 of the Health and Safety Code, relating to abandoned excavations.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1752—An act to amend Section 740.5 of the Welfare and Institutions Code, relating to minors believed to be mentally unsound and their temporary placement for observation in institutions under the jurisdiction of the Department of Mental Hygiene.

Referred to Committee on Social Welfare.

Assembly Bill No. 2502—An act to amend Section 6050 of the Elections Code, relating to voting machines.

Referred to Committee on Elections.

Assembly Bill No. 3096—An act to add Section 2876 to the Health and Safety Code, relating to pest abatement districts, the power and authority of boards of supervisors and the levy of pest abatement district taxes; providing that this act shall not be deemed to be a declaration of the intention of the Legislature concerning the meaning of Section 3720 of the Political Code or any statutory successor thereto; declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Elections.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 41
Assembly Bill No. 111
Assembly Bill No. 149
Assembly Bill No. 190
Assembly Bill No. 251
Assembly Bill No. 346
Assembly Bill No. 432
Assembly Bill No. 441

Assembly Bill No. 715
Assembly Bill No. 765
Assembly Bill No. 894
Assembly Bill No. 925
Assembly Bill No. 1569
Assembly Bill No. 1584
Assembly Bill No. 1646
Assembly Bill No. 1647

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 41—An act to amend Section 1065 of the Fish and Game Code, relating to sardines.

Referred to Committee on Fish and Game.

Assembly Bill No. 111—An act to amend Sections 1, 2, 3, 4, and 5 of an act entitled "An act establishing a four-year state institution of higher education in the City of Los Angeles, County of Los Angeles," approved July 2, 1947, relating to the establishment, government and maintenance of a four-year state institution of higher education in the City of Los Angeles.

Referred to Committee on Education.

Assembly Bill No. 149—An act to amend Section 457 of the Education Code, relating to compensation for public services in counties of the fifty-seventh class.

Referred to Committee on Local Government.

Assembly Bill No. 190—An act to amend Section 587b of the Penal Code, relating to trespass upon railroad equipment.

Referred to Committee on Judiciary.

Assembly Bill No. 251—An act to amend Sections 602 and 627 of the Penal Code, relating to trespass.

Referred to Committee on Judiciary.

Assembly Bill No. 346—An act to add Section 5003.1 to the Public Resources Code, relating to maintenance and operation of establishments or facilities for the sale of merchandise or services to the public.

Referred to Committee on Natural Resources.

Assembly Bill No. 432—An act relating to labor and material liens on aircraft.

Referred to Committee on Judiciary.

Assembly Bill No. 441—An act to amend Section 829.3 of the Agricultural Code, relating to standard packs for cantaloupes.

Referred to Committee on Agriculture.

Assembly Bill No. 715—An act to amend Sections 413, 1011, and 1013 of the Code of Civil Procedure and to amend Section 328 of the Probate Code, relating to service of process.

Referred to Committee on Judiciary.

Assembly Bill No. 765—An act to amend Section 2884 of the Streets and Highways Code, relating to special assessment investigation.

Referred to Committee on Transportation.

Assembly Bill No. 894—An act to amend Section 21100 of the Water Code, relating to irrigation district offices.

Referred to Committee on Water Resources.

Assembly Bill No. 925—An act to amend Sections 1300.1, 1300.1a, 1300.4a, and 1300.6 of the Agricultural Code, relating to processors of farm products.

Referred to Committee on Agriculture.

Assembly Bill No. 1569—An act to amend Sections 1300.13, 1300.16, and 1300.28 of the Agricultural Code, relating to marketing agreements and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

Assembly Bill No. 1584—An act to amend Sections 1500, 1501, and 1511 of the Welfare and Institutions Code, relating to aid to needy children.

Referred to Committee on Social Welfare.

Assembly Bill No. 1646—An act to amend Section 1300.16 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

Assembly Bill No. 1647—An act to amend Section 1300.15 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Agriculture.

Letter of Transmittal

March 31, 1949

*To the Members of the Legislature
State of California*

*1949 Regular Session
Sacramento, California*

GENTLEMEN: Your committee, created pursuant to Senate Resolution No. 108, 1947, herewith submits its final report covering the administering of fish and game departments in the States of Arizona, Colorado, Michigan, Nevada, Oregon, Pennsylvania, and Washington, together with an opinion from the Attorney General's Office on the "Analysis of Constitutional and Statutory Provisions of Law Relating to the Administration of Fish and Game in California"; a report from the Legislative Auditor on the "Plan of Financial Support for the Division of Fish and Game"; the observations, comments, and recommendations concerning the administration of the Division of Fish and Game prepared by Daniel H. Blood, Deputy Director-Comptroller for the Department of Natural Resources; and recommendations set forth in the report submitted by the Department of Finance by its Administrative Analyst.

The committee is indebted to the cooperation of fish and game administrators in the states visited, to the Department of Finance for information made available through its Administrative Analyst, to Mr. Daniel H. Blood, Deputy Director-Comptroller of the Department of Natural Resources, to the State Attorney General's Office for their assistance, and to the Legislative Auditor and his staff.

Respectfully submitted,

OLIVER J. CARTER, Chairman
By CLYDE A. WATSON, Vice Chairman

Letter of Transmittal ordered printed in the Journal, and report ordered printed in the Appendix to the Journal.

REQUEST FOR UNANIMOUS CONSENT

Senator Watson asked for, and was granted, unanimous consent to have 2,500 copies of the above report of the Fish and Game Interim Committee printed for distribution.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 6	Senate Bill No. 481
Senate Bill No. 65	Senate Bill No. 556
Senate Bill No. 113	Senate Bill No. 692
Senate Bill No. 115	Senate Bill No. 996
Senate Bill No. 137	Senate Bill No. 1013
Senate Bill No. 144	Senate Bill No. 1220
Senate Bill No. 232	Senate Bill No. 1264
Senate Bill No. 317	Senate Bill No. 1509
Senate Bill No. 454	

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 51	Senate Bill No. 1245
Senate Bill No. 481	Senate Bill No. 1327
Senate Bill No. 682	Senate Bill No. 1337
Senate Bill No. 1162	Senate Bill No. 1406

Senate Concurrent Resolution No. 40

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 39—Relative to making additional funds available to the Legislative Budget Committee, established by Senate Concurrent Resolution No. 7 (Res. Ch. 75, 1949);

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the thirty-first day of March, 1949, at 1:30 p.m.

POWERS, Chairman

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Assembly Bill No. 40

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

DILLINGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which were referred:

Senate Bill No. 98	Senate Bill No. 460
Senate Bill No. 1278	Senate Bill No. 1215
Senate Bill No. 459	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

DILLINGER, Chairman

Above reported bills ordered to second reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 27: By Senators Johnson, Dillinger, and Hugh M. Burns—Relative to provision for public recreation, fish

and wildlife development in flood, irrigation and power projects involving construction of dams.

Referred to Committee on Rules.

SECOND READING OF SENATE BILLS

Senate Bill No. 458—An act to amend Section 5003 and the article heading of Article 5 of Chapter 1 of Title 1 of Part 3 of the Penal Code, and to add Article 6, comprising Sections 2046 to 2046.6, to Chapter 1 of Title 1 of Part 3 thereof, relating to institutions subject to the jurisdiction of the Department of Corrections, providing for the establishment of the Southern California Medium Security Prison and for the commitment and transfer of persons thereto and therefrom.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2 of the printed bill, strike out lines 4 to 7, inclusive, and insert "2046.4. The warden for the said prison shall be appointed in accordance with Section 6050 of the Penal Code. The Director of Corrections shall appoint, subject to civil service, such officials and employees as may be necessary therefor."

Amendment read, and adopted.

Motion to Amend

Senators Mayo and Hatfield moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 5003", and insert "Sections 2039, 2045.4, 5003, and 6105".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 2 of said bill, after line 27, insert

"SEC. 4. Section 2039 of the Penal Code is amended to read:

2039. *The superintendent of the California Vocational Institution shall be appointed in the manner provided in Section 6050 for appointment of wardens of state prisons, and for the purposes of that section shall be deemed to be a warden of a state prison. The Director of Corrections shall appoint, subject to civil service, [a superintendent for the California Vocational Institution, and] such other officers and employees as may be necessary, and shall fix their compensation.*

SEC. 5. Section 2045.4 of the Penal Code is amended to read:

2045.4. *The warden for said institution shall be appointed in accordance with the provisions of Section 6050. The Director of Corrections shall appoint, subject to civil service, [a warden for said institution and] such other officials and employees as may be necessary and shall fix their compensation.*

SEC. 6. Section 6105 of the Penal Code is amended to read:

6105. *The superintendent of the Medical Facility shall be appointed in the manner provided in Section 6050 for appointment of wardens of state prisons, and for*

the purposes of that section shall be deemed to be a warden of a state prison. The Director of Corrections shall appoint, subject to civil service, [a superintendent for the Medical Facility and] such other officers and employees as may be necessary."

Amendments read.

Previous Question

Senator Watson moved the previous question.

Motion carried.

The question being on the adoption of amendments offered by Senators Mayo and Hatfield to Senate Bill No. 458.

Motion to Lay on Table

Senator Keating moved that the amendments offered by Senators Mayo and Hatfield to Senate Bill No. 458 be laid on the table.

Motion lost.

Amendments adopted.

Senate Bill No. 458 ordered printed, re-engrossed, and to third reading.

CONSIDERATION OF SPECIAL ORDER

The hour of 2.15 p.m., having arrived, Senate Bill No. 1066 was taken up.

Senate Bill No. 1066—An act to repeal Chapter 8, comprising Sections 1131 to 1136, inclusive, of Part 3 of Division 2 of the Labor Code, and to add a new Chapter 8 to Part 3 of Division 2 of that code, comprising Sections 1131 to 1140, relating to hot cargo and secondary boycotts.

Motion to Re-set Special Order

Senator Hugh M. Burns moved that Senate Bill No. 1066 be made a special order of business for Thursday, April 7, 1949, at 2.15 p.m.

Motion lost.

Further Consideration of Senate Bill No. 1066

Point of Personal Privilege

Senator O'Gara rose to a point of personal privilege.

The president requested Senator O'Gara to state his point of personal privilege.

Senator O'Gara stated that he had been misquoted on his statement concerning the pending bill.

The question being on the final passage of Senate Bill No. 1066.

The roll was called, and Senate Bill No. 1066 passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Judah, McBride, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—27.

NOES—Senators Coombs, Gibson, Jespersen, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, and Swing—10.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator O'Gara asked for, and was granted, unanimous consent to have the following explanation of his vote on Senate Bill No. 1066 printed in the Journal.

Explanation of Vote by Senator O'Gara on Senate Bill No. 1066

I am opposed to this bill for two reasons:

First, there has been no showing that there is any real or present need for such drastic and restrictive legislation.

Second, this bill is unconstitutional.

On October 14, 1947, California's so-called Hot Cargo Law, enacted by the 1945 Legislature, was declared unconstitutional by the Supreme Court of this State.

Since that date and for the past year and a half there have been no legal restrictions whatever on Hot Cargo or Secondary Boycott.

When this bill was heard before the Labor Committee, I asked the proponents for information as to the total number of Hot Cargo or Secondary Boycott strikes which have taken place since the decision declaring the previous law unconstitutional.

The proponents state that they had no figures on the number of such strikes, on the number of man days lost as a result of such strikes, on the amount of the financial losses suffered by employers as a result of such strikes or on the number of men unemployed as a result of such strikes.

Yet despite the fact that they can not furnish this Senate with such information, they now wish this Legislature to pass a law which states, as a matter of fact, that these practices have resulted in and will continue to result in widespread unemployment, losses of purchasing power, and substantial injury and losses to the public and third parties.

They further wish this Senate to recognize and find as a matter of fact, and I quote, "That there is a real clear and present danger, that unless forbidden by law, the activities declared unlawful in this chapter will seriously and substantially injure and impair the peace, health, welfare, and economy of this State."

In my opinion there has been a total lack of adequate evidence to sustain these findings.

As I stated at the outset, I believe this bill is unconstitutional. The previous law, along the same lines, was declared unconstitutional by two Attorney Generals of this State, Earl Warren and Robert W. Kenny.

Furthermore, as Governor, Earl Warren stated that he considered the law unconstitutional, and the Supreme Court affirmed his opinion.

Now we have an opinion from the incumbent Attorney General that this bill which, in its main points, is essentially the same as the preceding law, is also unconstitutional.

The Attorney General holds that "this bill in its present form is in part unconstitutional and in part constitutionally doubtful."

I am sure that this Senate would not approve a bill of doubtful constitutionality and the need for which has not been satisfactorily demonstrated—as is the case here—if that bill affected business or agriculture.

The Legislature should apply the same test to this bill, which would drastically impair one of labor's fundamental rights—the right to free speech.

SENATOR O'GARA

REQUEST FOR UNANIMOUS CONSENT

Senator Gibson asked for, and was granted, unanimous consent to have the following explanation of his vote on Senate Bill No. 1066 printed in the Journal.

Explanation of Vote of Senator Luther E. Gibson in Connection With Senate Bill No. 1066 ("Hot Cargo")

This entire issue has left me confused as to the real purpose of this bill in connection with the evils sought to be corrected. As an employer, I have had for 26 years contractual relations with eight unions, all of which have a so-called closed shop and with all of which I have had contracts which have been negotiated year after year in the light of problems as they have arisen. In view of this experience and in connection with my work here at the State Legislature, I have tried my best to analyze the fundamental problems involved as well as the provisions of this particular bill and I believe the following to be true:

Article I, Secs. 9 and 10 of the Constitution of the State of California makes the traditional provision for freedom of speech and the right to assemble. These rights

are also guaranteed under the First Amendment to the Constitution of the United States and are a part of our entire democratic structure, inseparable from our way of life.

The Constitution of the United States of America also contains the Thirteenth and Fourteenth Amendments which prohibit involuntary servitude or "slavery" and provide that no law shall be passed which shall abridge the privileges or immunities of citizens of the United States nor deprive them of life, liberty or property without due process of law.

I do not pretend to be a lawyer or one skilled in interpreting the fine points of constitutional guaranties, but I say again I am confused. The Attorney General of the State of California has apparently ruled that this proposed legislation in its present form is unconstitutional as being a violation of the rights above stated.

On the other hand, I understand that Legislative Counsel has ruled that this bill does meet the constitutional requirements and, therefore, is not objectionable on that ground. I do not feel capable of making the choice between the learned opinions of these two skilled organizations nor do I believe that employers and labor unions should be required to make such choice and embroil themselves in continual litigation until the constitutionality of this matter can be finally determined.

But what is even more important I am also concerned about far deeper issues than those appearing in the language and upon the surface of this legislation. I am opposed to class legislation of any kind or character or any legislation which will have the effect of dividing, or encouraging the division of, employees and employers into classes. It is known that professionals representing labor, as well as professionals representing management, seek to take advantage of the other, which in my opinion tends to drive a wedge between segments of our citizenry and tends to have each group feel that he is a member of a particular class and thereby a natural enemy of the other. It is this very concept that Communism and all the other "isms" seeks to exploit. When we lend ourselves to widening this breach we are defeating our own purposes and injuring our American way of life. In my opinion, secondary boycotts and refusal to handle material from struck plants are un-American and undesirable for the reasons which I have just set forth. In other words, a bona fide labor dispute between employer and employee is one thing, and there should be no law prohibiting this relationship, but for a group of employees or others to seek to cause their employer to violate his own contracts and agreements and disturb the existing peace between employer and employee where they have no grievances or complaints against him is quite a different matter.

It seems to me a fundamental right of every man to work or not as he sees fit, but as long as he is working and has no dispute with his own employer he should carry out his employment under the direction of that employer, handling whatever merchandise or cargo that employer directs him to handle and not embroil himself in affairs about which he may know little and should be as little concerned.

Turning now to the proposed legislation, does it recognize these fundamental concepts, and does it, within the framework of our American institutions, prohibit what I believe to be an evil? It is at this point that I am again confused. I have the feeling in reading the bill that the language is broad to the point where it could be used to harass individuals and organizations in violation of their constitutional rights even though many of its provisions are undoubtedly specific and do tend to cure an existing evil. But it is no real solution to a problem as fundamental as this one to insert within our laws dubious or uncertain provisions or broad language which could be misused or misinterpreted.

Because of this confusion which may be shared by others, it is my best judgment that this bill should be referred back to committee for a thorough analysis and longer study in the hope that many of these doubts may be resolved.

Accordingly, I must vote "no" on the bill as it now stands.

SENATOR GIBSON

March 31, 1949.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1177

Senator Collier moved that Senate Bill No. 1177 be withdrawn from Committee on Transportation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1177—An act to amend Section 419, to repeal Sections 420, 420.1, 420.2, 420.3, 420.4, 420.5, 420.6, 420.7, 420.8, and 420.9, and to add Sections 420, 421, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 423, 423.1, and 423.2 of the Vehicle Code, relating to financial responsibility, and declaring the urgency thereof.

Bill read second time.

Motion to Amend

Senator Collier moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill as amended, strike out "422.5, 423, 423.1, and 423.2", and insert "422.5, 422.6, 423, and 423.1".

Amendment No. 2

On page 2 of said bill as amended, at the end of line 2, strike out "per-", and in line 3 strike out "sonal injury in any degree", and insert "bodily injury".

Amendment No. 3

On page 2, line 7, of said bill as amended, strike out "an accident", and strike out all of lines 8 to 14 inclusive and insert "any said accident shall within five days after the accident make a report on the form provided by the department to his employer and said employer shall within ten days after receipt of said report transmit such report or cause such report to be transmitted to the office of the department at Sacramento."

Amendment No. 4

On page 2, line 41, of said bill as amended, after "ments", insert "in any amount".

Amendment No. 5

On page 2, line 49, of said bill as amended, strike out "act", and insert "Chapter".

Amendment No. 6

On page 2, line 50, of said bill as amended, strike out "in respect", and insert "and the suspension provisions of this chapter shall apply."

Amendment No. 7

On page 5 of said bill as amended, following line 16, insert

"(d) The department may accept evidence of a payment to a driver or to the owner of a vehicle involved in an accident by the insurance carrier of any other person involved in such accident on account of damage to property as effective to relieve such driver or owner from the security and suspension provisions of this chapter in respect to any claim for property damage by the person on whose behalf such payment has been made. A payment to the insurance carrier of a driver or owner under its right of subrogation shall be the equivalent of a payment to such driver or owner.

The department may accept evidence of a payment to a person involved in an accident by the insurance carrier of any other person involved in such accident on account of bodily injury as effective to relieve the person to whom such payment is made from the security and suspension provisions of this chapter in respect to any claim for bodily injury by the person on whose behalf such payment has been made."

Amendment No. 8

On page 5, line 24, of said bill as amended, strike out "subsection", and insert "section".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Request for Unanimous Consent

Senator Collier asked for, and was granted, unanimous consent to have Senate Bill No. 1177 sent to print with a rush order.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1480

Senator Drobish moved that Senate Bill No. 1480 be withdrawn from Committee on Education for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1480—An act to add Section 12128.1 to, and to add Article 12, comprising Sections 10220 to 10223, inclusive, to Chapter 1 of Division 5 of the Education Code, relating to education in family relations.

Bill read second time.

Motion to Amend

Senator Drobish moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill after "in", insert "human and".

Amendment No. 2

On page 1 of said bill, between lines 2 and 3, insert

"12128.1. The State Board of Education shall set up requirements for a major and a minor in human and family relations for the general secondary credential to be offered in institutions accredited for teacher education. The major and minor shall include problems of adolescence in connection with preparation for marriage, study materials on the sociological, economic, spiritual, psychological, and health aspects of human and family relations and methods for teaching the same."

Amendment No. 3

On page 1 of said bill, strike out lines 3 to 12, inclusive.

Amendment No. 4

On page 1 of said bill, strike out line 16, and insert

"Article 12. Instruction in Human and Family Relations

10220. When qualified teachers become available, as determined by the State Superintendent of Public Instruction, the State Board of Education shall pass appropriate regulations to require four-year and senior high schools to offer instruction in Human and Family Relations. The instruction shall include:

(a) Study of the problems of adolescence in connection with preparation for marriage.

(b) Study materials on the sociological, spiritual, psychological, economic, and health aspects of human and family relations."

Amendment No. 5

On page 1 of said bill, strike out lines 18 to 26, inclusive, and strike out all of page 2.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1380

Senator Abshire moved that Senate Bill No. 1380 be withdrawn from Committee on Education for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1380—An act to amend Sections 4902, 4911, 4912, 4920, and 4966 of the Education Code, relating to the unification of school districts.

Bill read second time.

Motion to Amend

Senator Abshire moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 4902, 4911, 4912, 4920, and 4966 of", and insert "Section 4915.1 of, and to add Section 4915.2 to,".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 4915.1 of the Education Code is amended to read:

4915.1. The cost of preparation and distribution of the recommendations of local survey committees and of any election held hereunder shall be a charge against the [general] funds of the [county or counties] *district or districts* in which [the elementary school district or unified school district, or districts, lie] *such survey is made or in which such election is held. Such cost shall be prorated between such districts in proportion to the average daily attendance in such districts.* [If such district or, districts, lie in more than one county, the cost shall be prorated against each county in the same proportion as the area of the district, or districts, lying in such county bears to the total area of such district, or districts.]

SEC. 2. Section 4915.2 is added to said code, to read:

4915.2. The county committee shall, prior to submitting a recommendation to the State Board of Education for the unification or other reorganization of any school district or school districts, notify in writing, the governing board of each district affected. If such notice is not given on or before April 1st, the governing board of each district may require the county superintendent of schools charged with the duty of holding the election on such plans and recommendations, in the event of their approval by the State Board of Education, to postpone the holding of such election until on or after July 1st of the following year."

Amendment No. 3

On page 1 of said bill, strike out lines 3 to 28, inclusive, and strike out all of page 2.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1381

Senator Abshire moved that Senate Bill No. 1381 be withdrawn from Committee on Education for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1381—An act to amend Sections 4918, 4919, 4961.1, and 4962, and to repeal Sections 4902.1, 4917.1, 4919.1, 4961, and 4963, of the Education Code, relating to the reorganization of school districts.

Bill read second time.

Motion to Amend

Senator Abshire moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended in the Senate March 16, 1949, after line 24, insert

"If each of the districts proposed to be unified or reorganized has no bonded indebtedness, reference to the assumption of bonded indebtedness shall not appear on the ballots."

Amendment No. 2

On page 2, line 44, of said bill, after "two-thirds", insert ", or a majority if each of the districts in which the election is held has no bonded indebtedness,".

Amendment No. 3

On page 2, line 50, of said bill, after "two-thirds", insert ", or a majority if each of the districts in which the election is held has no bonded indebtedness,".

Amendment No. 4

On page 2, line 51, of said bill, after "two-thirds", insert ", or a majority if each of the districts in which the election is held has no bonded indebtedness,".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS**

Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California to amend Sections 2, 34, and 34a of Article IV of the Constitution of said State, relating to the Legislature.

Motion to Refer Bill to Inactive File

Senator Dilworth moved that Senate Constitutional Amendment No. 5 be placed on the inactive file.

Motion carried.

Senate Bill No. 674—An act to provide for the expansion of publicly supported higher education and to repeal an act entitled "An act establishing a four-year institution of higher education in the City of Sacramento, County of Sacramento," approved July 1, 1947 (Chapter 1017 of the Statutes of 1947), and an act entitled "An act making an appropriation for the establishment, equipment and maintenance of a four-year state institution of higher education at Sacramento," approved July 10, 1947 (Chapter 1349 of the Statutes of 1947), all relating to the system of publicly supported higher education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1082—An act to add Division 12 to the Water Code, thereby revising and consolidating the law relating to county water

districts, including provisions for the supervision, regulation, and conduct of such districts, and to repeal certain acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Busch, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator O'Gara Presiding

At 3.20 p.m., Senator Gerald J. O'Gara of the Fourteenth District, presiding.

Senate Bill No. 1083—An act to add Section 30063 to the Water Code, relating to publication of notices in connection with county water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Sutton, Swing, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1084—An act to amend Section 30762 of the Water Code, relating to nominations of county water district directors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 1085—An act to amend Sections 30295, 30364, 30700, 31406, and 31412 of the Water Code, relating to county water districts and their elections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Busch, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Watson, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1087—An act to amend Sections 30296, 30365, 30702, 31411, and 32696 of the Water Code, relating to county water districts and the canvass of election returns.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Busch, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1088—An act to amend Section 30061 of the Water Code, relating to county water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1089—An act to add Section 30706 to the Water Code, relating to county water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hattfield, Hulse, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1090—An act to add Section 31793.5 to the Water Code, relating to county water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1462—An act to add Chapter 4 to Division 4 of the Elections Code, relating to propositions submitted at district elections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Donnelly, Drobish, Hulse, Jespersen, Johnson, Judah, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 51—An act to amend Section 2316 of the Public Resources Code, relating to fees for recording affidavits of labor or improvements on mining claims.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 692—An act to amend Sections 4741, 4762, and 4788 of, add Section 4742.1 to, and to repeal Sections 4797 and 4798 of the Health and Safety Code, relating to county sanitation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 6—An act to add Section 2333.5 to the Health and Safety Code, relating to annexation of cities to mosquito abatement districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to have the following communication of the Attorney General and the opinion of the Legislative Counsel regarding the status of the Attorney General before a Legislative Investigating Committee, printed in the Journal.

OFFICE OF THE ATTORNEY GENERAL

STATE BUILDING, SAN FRANCISCO 2, February 10, 1949

Hon. William P. Rich, Chairman

*Legislative Committee for Investigation Small Loan Business
in California*

Marysville, California

DEAR SENATOR RICH: I have just concluded a telephone conversation with you and desire by this communication to confirm my statements to you.

(1) That Mr. Rochester and myself will appear before your committee without the necessity of subpoena.

(2) That the results of our investigation which was requested by Assemblyman Dills and not by the committee, will be submitted by Mr. Rochester and myself at your legislative investigation hearings.

(3) That it is our desire that any report we make be in writing in order to prevent any possible error or misunderstanding.

(4) That we have determined that the attorney selected by the committee was at one time associated with a company engaged in a small loan business; that his nomination was made by a legal firm in Los Angeles representing such interest; and that under such circumstances we do not feel justified in disclosing the content and result of our investigation other than in writing, and at the time of your committee hearing.

I do hope that you will keep in mind that under our constitutional and statutory provisions of law, the Attorney General is ex-officio member of any legislative committee by reason of his advisory duties. As such, our position is to present a matter fairly and impartially and not to be a witness for or against either side of any particular issue. The committee attorney, Mr. William P. Gray, appeared in our office today in Los Angeles, and apparently is under a misapprehension as to our position in this respect.

You may be assured that it is the desire of our office to cooperate with this committee in every respect and present to you, in our opinion, for the first time in 45 years, a true and comprehensive report upon the facts, law and conditions of this business as it is and has been transacted in this State. I am certain also, that if permitted to follow the procedure adopted by us, the committee will agree our manner of presentation will expedite the hearings and get at the meat of this problem in the very shortest period of time.

Very truly yours,

FRED N. HOWSER, Attorney General

CC: SENATOR THOMAS F. KEATING

DONALD L. GRUNSKY, Member of the Assembly

SENATOR NATHAN F. COOMBS

RALPH C. DILLS, Member of the Assembly

JONATHAN J. HOLLIBAUGH, Member of the Assembly

MR. GEORGE ROCHESTER

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, February 16, 1949

*Hon. W. P. Rich, Chairman**Joint Legislative Committee on Lending Transactions
Marysville, California*Status of Attorney General before a Legislative
Investigating Committee—No. 1905

DEAR SENATOR RICH: You have asked whether the Attorney General or any member of his staff is ex officio a member of a legislative investigating committee, and whether he or any member of his staff can be required to testify and answer interrogations as a witness before such a committee.

It is our opinion that neither the Attorney General nor any member of his staff is ex officio a member of a legislative investigating committee and that the Attorney General or any member of his staff has no greater immunity from legislative process than have other individuals.

The Attorney General is a civil executive officer (Gov. C., Sec. 1001). The office is created by the Constitution (Sec. 17, Art. V) and certain law enforcement powers and duties are vested in the office by the Constitution (Sec. 21, Art. V). The Attorney General has charge, as attorney, of all legal matters in which this State is interested (Gov. C., Sec. 12511), is head of the Department of Justice (Gov. C., Sec. 12510), and legal counsel for numerous state agencies (Gov. C., Secs. 11040-11044). By statute the Attorney General is made ex officio a member of various boards and commissions in the executive branch of the government. There is no constitutional or statutory provision that we are aware of, however, which vests in the Attorney General any of the powers and duties of a legislator.

Section 1 of Article III of the Constitution provides for the division of the powers of government of the State into three separate departments, the legislative, executive, and judicial, and expressly provides that "no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except as in this Constitution expressly directed or permitted." In the absence of any express provision in the Constitution authorizing the Attorney General to participate in the law-making functions of the government in addition to his general law-enforcement duties, the above quoted provision of the Constitution would prohibit his serving in such capacity.

We have reviewed the resolution creating your committee (S.C.R. 14), and the Joint Rules of Senate and Assembly (S.C.R. 7) and do not find any reference to the appointment of the Attorney General as a member of the committee, or as counsel for the committee. It is therefore our conclusion that the Attorney General is not a member of a legislative committee by virtue of his office.

Whether the Attorney General was a member of a legislative committee or not however, would not in our opinion affect the jurisdiction of the committee over him or any of his deputies.

It is generally well recognized that all executive officers including cabinet officers (with the possible exception of the Chief Executive) are subject to legislative process. (3 Hinds' Precedents 179). Thus in *People ex rel. Hastings v. Hofstadter* (258 N.Y. 425; 180 N.E. 106) it was held that a state senator's immunity from arrest in a civil action or proceeding while the Legislature was in session did not give him the privilege of declining to appear before a legislative committee after having been subpoenaed. (See also *Ex Parte Dalton* (Ohio) 5 N.E. 136; *Burnham v. Morrissey* (Mass.) 14 Gray 226, 74 Am Dec 676).

We are not aware of any constitutional or statutory provision which grants to the Attorney General, his deputies, or any other state officer, any greater immunity from legislative process than any other individual has.

Rule 36 of the Joint Rules of the Senate and Assembly provides in part:

"Every department, commission, board, agency, officer and employee of the State Government, including the Legislative Council and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this State, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created."

It is therefore our conclusion that the Attorney General and his deputies may be called as witnesses before a legislative investigating committee whether subpoenaed, or appearing voluntarily, and may be compelled to answer any relevant and material question under penalty of contempt proceedings as provided in the Government Code (Secs. 9400-9412, incl.).

Very truly yours,

FRED B. WOOD, Legislative Counsel
By BERNARD CZESLA, Deputy

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1220—An act to amend Section 8802 of the Health and Safety Code, relating to cemetery associations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 3.50 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Senate Bill No. 1162—An act to amend Section 1415 of the Health and Safety Code, and Sections 112 and 121 of the Welfare and Institutions Code, relating to licensing of hospitals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 556—An act to add Section 161b to the Civil Code, relating to payments or refunds made pursuant to a retirement or death benefits plan.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1245—An act to amend Sections 11371, 11380, 11382.5, 11421, 11422, and 11423 of the Government Code, relating to administrative regulations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1337—An act to amend Section 2952 of the Civil Code, relating to the recordation of mortgages and deeds of trust.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hulse, Johnson, Judah, Keating, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1406—An act to add Section 631.3 to the Code of Civil Procedure, relating to jury fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Mayo, McBride, Miller, Parkman, Powers, Regan, Salsman, Sutton, Ward, Watson, and Williams—29.

• NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 113—An act to amend Section 4532 of the Penal Code, relating to punishment and escape from a county or city jail, prison, industrial farm, or road camp.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 65—An act to amend an initiative act entitled "An act to amend an act entitled 'An act for the certification of land titles and the simplification of the transfer of real estate,' approved March 17, 1897," approved by electors November 3, 1914, by adding Sections 48.1 to 48.9, inclusive, thereto, relating to the withdrawal of land from registry under the said act, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 115—An act to amend Section 672 of the Penal Code, relating to fines.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Parkman, Powers, Regan, Rich, Ward, Watson, Weybret, and Williams—27.

NOES—Senator Desmond—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 137—An act to amend Section 969(b) of the Penal Code, relating to proof of previous conviction of crime by certified records.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Mayo, Powers, Regan, Salsman, Sutton, Watson, Weybret, and Williams—25.

NOES—Senator Desmond—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 144—An act to amend Section 4433 of the Public Resources Code, relating to state payments to counties in lieu of taxes on land acquired for state forests.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Johnson, Judah, Keating, Mayo, McBride, Miller, Powers, Regan, Salsman, Sutton, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1509—An act to add Section 2620 to the Revenue and Taxation Code, relating to payments to taxing agencies.

Motion to Refer Bill to Inactive File

Senator Williams moved that Senate Bill No. 1509 be placed on the inactive file.

Motion carried.

Secretary J. A. Beek at the Desk

Senate Bill No. 1086—An act to repeal Chapter 6, comprising Sections 30360 to 30365, inclusive, of Part 2 of Division 12, and to amend Sections 30291, 30292, 30294, 30295, and 30501, of the Water Code, relating to county water districts, their formation and elections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Busch, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Johnson, Judah, Keating, Mayo, Miller, Parkman, Powers, Regan, Salsman, Ward, Watson, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Hugh M. Burns Presiding

At 4.24 p.m., Senator Hugh M. Burns of the Thirtieth District, presiding.

Senate Bill No. 1091—An act to amend Sections 30701 and 30702 of the Water Code, relating to county water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Busch, Crittenden, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Miller, Parkman, Powers, Salsman, Sutton, Ward, and Watson—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1094—An act to repeal Sections 31303 and 31304 of, and to add Section 31303 to, the Water Code, relating to county water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Crittenden, Cunningham, Dillworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, Parkman, Powers, Salsman, Ward, and Watson—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1095—An act to amend Sections 31701 and 31790 of the Water Code, relating to county water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dillworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, Parkman, Powers, Rich, Salsman, Sutton, Ward, Watson, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Regan asked for, and was granted, unanimous consent to have Senate Bill No. 248 passed on file and retain its place on file until the next legislative day.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 2427—An act to amend Section 8802 of the Health and Safety Code, relating to cemetery associations.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dillworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, Miller, Parkman, Powers, Rich, Salsman, Sutton, Swing, Watson, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 372—An act to add Chapter 7 to Division 8 of the Elections Code, relating to elections and providing for an alternative and optional method of balloting and ascertaining the vote at elections and in precincts for which such method is adopted.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dillworth, Donnelly, Drobish, Gibson, Johnson, Judah, Keating, Mayo, Parkman, Powers, Regan, Rich, Salsman, Swing, Ward, Watson, and Weybret—27.

NOES—Senators Miller and Sutton—2.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Assembly Joint Resolution No. 26—Relative to the participation of the United States in a world federal government.

Resolution read, and presented by Senator Powers.

Previous Question

Senator Dillinger moved the previous question.

Motion carried.

The question being on the adoption of Assembly Joint Resolution No. 26.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Busch, Coombs, Cunningham, Dillinger, Drobish, Gibson, Johnson, Judah, Keating, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Ward, Watson, Weybret, and Williams—23.

NOES—Senators Abshire, Crittenden, Desmond, Donnelly, Hatfield, Hulse, Mayo, Rich, and Sutton—9.

Motion to Reconsider

Senator Donnelly moved to reconsider the vote whereby Assembly Joint Resolution No. 26 was adopted.

Postponement of Reconsideration

On motion of Senator Donnelly, the further consideration of the motion to reconsider the vote whereby Assembly Joint Resolution No. 26 was adopted, was continued until the next legislative day.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 323—An act to suspend the operation of Section 1065 of the Fish and Game Code, and to add Section 1065a to the Fish and Game Code, relating to the taking and use of sardines, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Watson moved the adoption of the following amendments:

Amendment No. 1

In lines 5 and 6 of the title of the printed bill, as amended in Senate March 17, 1949, strike out “, and declaring the urgency thereof, to take effect immediately”.

Amendment No. 2

On page 2 of said bill, strike out lines 20 to 34, inclusive.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 206—An act to amend Section 464 of the Agricultural Code, relating to the serving of market milk.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 80—An act to amend Section 810 of the Agricultural Code, relating to artichoke standards.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1250—An act to add Chapter 8, comprising Sections 5500 to 5656 inclusive, to Part 3, Division 5, of the Health and Safety Code, to provide for the formation, organization and operation of sanitation districts within the counties of the State.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed bill, strike out line 4 of the title, and insert "of districts for sewerage disposal, water development, and related purposes within the counties of the State."

Amendment No. 2

On page 1, line 4, of said bill, strike out "SANITATION", and insert "SEWERAGE AND WATER".

Amendment No. 3

On page 1 of said bill, strike out line 9, and insert "Sewerage and Water District Act."

Amendment No. 4

On page 1, line 11, of said bill, strike out "sanitation", and insert "sewerage and water".

Amendment No. 5

On page 1, line 21, of said bill, strike out "county".

Amendment No. 6

On page 1, line 22, of said bill, strike out "sanitation", and insert "sewerage and water".

Amendment No. 7

On page 2, line 16, of said bill, strike out "sanitation".

Amendment No. 8

On page 3, line 21, of said bill, strike out "sanitation".

Amendment No. 9

On page 4 of said bill, strike out lines 6 to 23, inclusive.

Amendment No. 10

On page 5, line 3, of said bill, strike out "county sanitation".

Amendment No. 11

On page 5 of said bill, between lines 14 and 15, insert
"5541.5. It may construct, purchase, lease or otherwise acquire water works and other works and machinery, canals, conduits and reservoirs, and purchase, lease or otherwise acquire water rights, storage sites, watersheds, lands, rights and privileges useful or necessary to convey, supply, store or otherwise make use of water for domestic and fire protection purposes, and maintain and operate such water rights, water works, canals, conduits, reservoirs, storage sites, watersheds, works, machinery, lands, rights and privileges for the uses aforesaid for the benefit of the district."

Amendment No. 12

On page 5 of said bill, strike out lines 15 and 16, and insert
"5542. It may join with any other district, city, state or other governmental agency or any other agency, and any other district, city, state, or other governmental agency may join with any district formed hereunder and may perform all the functions then required, in the construction, maintenance, or operation."

Amendment No. 13

On page 5 of said bill, between lines 47 and 48, insert
"5546.6. It may enter into an agreement with any publicly or privately owned utility furnishing water for domestic purposes for the collection of such user taxes, fees, tolls and charges by such utility, and may include as one of the terms of any such contract a requirement that the water supply of any user shall be shut off in the event of failure or refusal of such user to pay such taxes, fees, tolls, or charges."

Amendment No. 14

On page 5, line 49, of said bill, strike out ", excluding fruit trees and vines,".

Amendment No. 15

On page 6, line 2, of said bill, after "powers", strike out the remainder of the line and all of line 3.

Amendment No. 16

On page 7, line 44, of said bill, strike out "sanitation", and insert "sewerage and water".

Amendment No. 17

On page 7, line 46, of said bill, strike out "sanitation", and insert "sewerage and water".

Amendment No. 18

On page 8, line 3, of said bill, strike out "county sanitation".

Amendment No. 19

On page 8, line 9, of said bill, strike out "county sanitation".

Amendment No. 20

On page 12, line 46, of said bill, strike out "exclusive of the value of fruit trees and vines".

Amendment No. 21

On page 13, line 30, of said bill, strike out "exclusive of the value of fruit trees and grapevines".

Amendment No. 22

On page 14, line 5, of said bill, strike out "sanitation", and insert "sewerage and water".

Amendment No. 23

On page 14, line 28, of said bill, strike out "sanitation".

Amendment No. 24

On page 14, line 42, of said bill, strike out "sanitation".

Amendment No. 25

On page 16, line 15, of said bill, strike out "sanitation", and insert "sewerage and water".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 47—An act to repeal Sections 27206, 27207, 27208, and 27209, and to add Chapter 13.5, comprising Sections 26250, 26251, 26252, and 26253, to Part 2, Division 2, Title 3, of the Government Code, relating to duties of county recorders.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended in Senate March 25, 1949, strike out "papers", and insert "newspapers".

Amendment No. 2

On page 2 of said bill, strike out lines 9 to 11, inclusive.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 259—An act to amend Section 2010 of the Streets and Highways Code, relating to mileage allowances for supervisors' official road duties.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

In line 10 of the printed bill, strike out all after the comma and insert "eight cents (\$0.08) per mile for mileage".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 855—An act to amend Section 28113 of the Government Code, relating to compensation for public service in counties of the thirteenth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended in Senate March 21, 1949, after "supervisor", strike out "," and insert "and".

Amendment No. 2

On page 1, line 12, of said bill, strike out "and road".

Amendment No. 3

On page 1, line 13, of said bill, strike out "commissioner".

Amendment No. 4

On page 1, line 18, of said bill, strike out "five cents (\$0.05)", and insert "six cents (\$0.06)".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 349—An act to amend Section 25305 of the Government Code, relating to county-owned automobiles.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 550—An act to amend Section 28152 of the Government Code, relating to compensation for public services in counties of the fifty-second class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 552—An act to add Section 25562 to the Government Code, relating to county participation in centennial celebrations, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1016—An act to amend Section 29741 of the Government Code, relating to authorization of purchase orders by auditors.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1468—An act to amend Section 9.5 of the Municipal Court Act of 1925, relating to compensation of officials of the municipal court.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 975—An act to add Sections 908.1, 908.2, and 908.3 to the Insurance Code, relating to the credits which may be taken by an insurer against loss and unearned premium reserves as the result of reinsuring a portion of its business.

Bill read second time.

The following amendments were proposed by the Committee on Financial Institutions:

Consideration of Committee Amendments

Amendment No. 1

In the first line of the title of the printed bill, strike out "908.1, 908.2, and 908.3" and insert "918.1, 918.2, 918.3, 918.4, 918.5, and 918.6".

Amendment No. 2

In the fourth line of the title of said bill, after the word "business", and before the period, insert "and the allowance as admitted assets of certain accounts receivable from reinsurance".

Amendment No. 3

On page 1, line 1, of said bill, strike out "908.1", and insert "918.1".

Amendment No. 4

On page 1 of said bill, strike out lines 3 to 25, inclusive, and on page 2, lines 1 to 5, inclusive, and insert

"918.1. Subject to the limitations contained in Sections 918.2 to 918.5, inclusive, the following deductions may be made from the liabilities required to be shown by this article in the event that a portion of the risks insured by an insurer has been reinsured by another insurer:

(a) From the liabilities required to be shown by subdivisions (1), (2) and (3) of Section 908, there may be deducted the amounts recoverable thereon from reinsurers.

(b) From the liabilities required to be shown by subdivisions (7) to (11), inclusive, of Section 908, there may be deducted the ratable portion of the gross unearned premium on the risks so reinsured except in the case of excess loss and catastrophe reinsurance where the deduction shall be on the basis of the actual reinsurance premiums and actual reinsurance terms.

This section and Sections 918.2 to 918.6, inclusive, shall not apply to life insurance risks nor limit deductions or assets claimed on account of reinsurance permitted with respect to such risks."

Amendment No. 5

On page 2, line 6, of said bill, strike out "908.2", and insert "918.2".

Amendment No. 6

On page 2 of said bill, strike out all of lines 7 to 34, inclusive, and "SEC. 3. Section 908.3" on line 35, and insert

"918.2. No such deductions specified in Section 918.1 shall be made or allowed unless the contract of reinsurance provides that the portion of any loss assumed by the reinsurer is payable at the same time and under the same conditions as the loss of the ceding insurer, with reasonable provision for verification before payment, and unless the reinsurance shall be payable by the assuming insurer, in the event of the insolvency of the ceding insurer, on the basis of the claim or claims allowed by such liquidator or conservator without diminution because of such insolvency or because the liquidator or conservator of such ceding insurer has failed to pay all or a portion of any claim or has declared a moratorium against the payment of such claims. Such reinsurance agreement may provide that the conservator or liquidator of a ceding

insurer shall give notice of the pendency of a claim against the ceding insurer, which claim would involve a possible liability on the part of the reinsurer, within a reasonable time after such claim is filed in the conservation or liquidation proceeding, and that during the pendency of such claim such reinsurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated any defense or defenses which it may deem available to the ceding company or to its liquidator or conservator. The expense thus incurred by the assuming insurer shall be chargeable, subject to the approval of the conservator or liquidator and of the court, against the ceding insurer as a part of the expense of conservation or liquidation to the extent of a pro rata share of the benefit which may accrue to the ceding insurer solely as a result of the defense undertaken by the reinsurer.

SEC. 3. Section 918.3".

Amendment No. 7

On page 2 of said bill, strike out lines 36 to 51, inclusive, and on page 3, lines 1 to 32, inclusive, and insert

"918.3. The commissioner may reduce the deduction, on account of reinsurance other than reinsurance covering specified individual risks, specified in subdivision (b) of Section 918.1 by the amount of the unearned portion of any commission or dividend allowed to the ceding insurer by the reinsurer, if such reinsurance is subject to cancellation by the reinsurer, without the consent of the ceding insurer, and

(a) Such cancellation would reduce the surplus of the ceding insurer to an amount less than 100 percent of the minimum paid in capital required by this code for all classes of insurance which such insurer is licensed to transact in any jurisdiction, such surplus being in addition to such minimum paid in capital; or

(b) The aggregate deduction on account of such reinsurance ceded has the effect of reducing the unearned premium reserve of the ceding insurer below 70 percent of the unearned premiums computed before giving effect to all such reinsurance.

Where the contract of reinsurance does not specify the amount of commission, the commission shall be deemed to be the difference between the ratable portion of the gross unearned premium on the risks so reinsured and the consideration for such reinsurance except in the case of excess loss and catastrophe reinsurance.

A contract of reinsurance shall not be deemed to be subject to cancellation without the consent of the ceding insurer if it contains provisions requiring that the reinsurer give such notice of cancellation to the ceding insurer as will allow the ceding insurer reasonable time within which to cancel the policy or policies reinsured or to replace the reinsurance before such cancellation becomes effective. Such notice shall in no case be less than sixty days.

SEC. 4. Section 918.4 is added to said code, to read:

918.4. In the event the reinsurer is not admitted, the commissioner may disallow the deductions specified in Section 918.1 if:

(1) He is not satisfied that the financial condition of such reinsurer is reasonably comparable to that required of admitted insurers, or if he has evidence that any such nonadmitted reinsurer has failed to make prompt payment of claims.

(2) Such reinsurer is an alien corporation not authorized to transact insurance in any state of the United States, and the laws or regulations of the country of domicile of such reinsurer restrict the export of funds to such an extent as to make questionable the ability of such alien reinsurer to pay losses in the United States.

The insurer reporting its financial condition shall have the burden of satisfying the commissioner as to the financial condition of such reinsurer and the ability of such reinsurer to pay losses in the United States.

SEC. 5. Section 918.5 is added to said code, to read:

918.5. The deductions specified in Section 918.1 shall not be made or allowed with respect to reinsurance placed in any alien insurer unless such insurer is authorized to transact insurance in a state of the United States and maintains in the United States an adequate guaranty deposit for the protection of policyholders in the United States.

SEC. 6. Section 918.6 is added to said code, to read:

918.6. Portions of losses paid by the ceding insurer which are recoverable from a reinsurer may be admitted as assets of such ceding insurer for 90 days after the payment of such losses by the ceding insurer, or for such period preceding specified settlement dates during which the ceding insurer retains all or a part of the consideration for the reinsurance in an amount greater than the aggregate of the portions of losses recoverable from the reinsurer. But the commissioner may disallow the admission of such assets if there exist any of the conditions set forth in Section 918.4.

SEC. 7. This act shall become effective on December 31, 1949."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 1282—An act to repeal Sections 2071 and 2072 of, to add Sections 2071 and 2072 to, and to amend Sections 2073 and 2074 of, the Insurance Code, relating to insurance and the standard form fire insurance policy.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out line 7, and insert "California Standard Form Fire Insurance Policy".

Amendment No. 2

On page 2, line 4, of said bill, strike out "DIRECT".

Amendment No. 3

On page 3, line 36, of said bill, after "policy", insert "or by statute".

Amendment No. 4

On page 4, line 37, of said bill, strike out "immediate".

Amendment No. 5

On page 4, line 38, of said bill, after "loss", insert "without unnecessary delay".

Amendment No. 6

On page 5, line 8, of said bill, after "required", insert "and obtainable".

Amendment No. 7

On page 6, line 33, of said bill, strike out "on the second page of the policy", and insert "of the policy following the countersignature clause".

Amendment No. 8

On page 6 of said bill, strike out lines 36, 37, and 38, and insert "2074. Either the blanks in the standard form or those in an endorsement attached thereto shall be appropriately filled. The first page of the policy or an endorsement attached thereto may be arranged to show in schedule form the amounts of insurance, rates".

Amendment No. 9

On page 6, line 40, of said bill, strike out "for".

Amendment No. 10

On page 6 of said bill, strike out lines 44 and 45, and insert

"If such a schedule clearly shows the amount at risk, the rate, and the premium in respect of fire insurance, the words, 'the above specified' may be inserted in the blanks preceding the word 'dollars' in the two places in which 'dollars' appears in that portion of the standard form which precedes the countersignature clause, or in identical blanks in an endorsement attached to the standard form and containing the paragraph in the standard form in which the blanks appear.

SEC. 6. Sections 1 to 4, inclusive, of this act shall become effective July 1, 1950, but any insurer may use the form of policy provided for by this act prior to said date, in lieu of the form provided for by the Insurance Code prior to the effective date of said sections of this act."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 1285—An act to add Article 6.5 to Chapter 1, Part 1, Division 1, of the Insurance Code, relating to insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 9, of the printed bill, after "defining", insert a comma.

Amendment No. 2

On page 1 of said bill, strike out lines 14 to 18, inclusive, and insert "790.01. This article applies to reciprocal and interinsurance exchanges as well as all other persons engaged in the business of insurance."

Amendment No. 3

On page 1 of said bill, strike out lines 27 and 28, and on page 2 thereof strike out lines 1 to 7, inclusive, and insert

"(a) Making any false or misleading statement as to the dividends or share of surplus previously paid on policies, or as to the legal".

Amendment No. 4

On page 2 of said bill, strike out lines 10 to 13, inclusive, and insert "ing the true nature thereof."

Amendment No. 5

On page 2 of said bill, strike out lines 24 to 30, inclusive; in line 31 strike out "(d)" and insert "(c)".

Amendment No. 6

On page 2, line 35, of said bill, strike out "(e)", and insert "(d)".

Amendment No. 7

On page 2, line 42, of said bill, strike out "(f)", and insert "(e)".

Amendment No. 8

On page 3 of said bill, strike out lines 1 to 6, inclusive; in line 7 strike out "(h)", and insert "(f)".

Amendment No. 9

On page 3 of said bill, strike out lines 13 to 50, inclusive, and on page 4 thereof strike out lines 1 and 2, and insert

"(g) Any violation of Insurance Code Sections 750, 751, 780, 781, 10401, 10430, or 10432, or Penal Code Section 563b."

Amendment No. 10

On page 4 of said bill, strike out lines 3 to 8, inclusive.

Amendment No. 11

On page 7 of said bill, strike out lines 30 to 51, inclusive, and on page 8 thereof strike out lines 1 to 9, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 824—An act to amend and renumber Section 1703 of, to add Section 1703 to, to amend Sections 1705.2, 1706.85, 1706, and 1706.95 of, and to repeal Section 1703.5 of, the Insurance Code, relating to life agents' licenses.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 7 and 8, and insert

"1703. Life agents licenses issued by the commissioner under this article shall be of the following types and on such forms as shall".

Amendment No. 2

On page 1, line 11, of said bill, strike out "under the provisions of this article".

Amendment No. 3

On page 1, line 14, of said bill, strike out "both as a life agent and", and strike out all of line 15, and insert "to transact both life and disability insurance generally."

Amendment No. 4

On page 1, line 17, of said bill, strike out "under the provisions of this article".

Amendment No. 5

On page 1, line 22, of said bill, strike out "write life policies", and insert "transact life insurance".

Amendment No. 6

On page 1, line 26, of said bill, strike out "disability insurance only", and insert "only disability insurance on behalf of an insurer of any kind which is admitted for disability insurance".

Amendment No. 7

On page 2, line 4, of said bill, strike out "of all three", and insert ", by any qualified and eligible person, of more than one of the".

Amendment No. 8

On page 2, line 5, of said bill, strike out "life only agents", and insert "a life only agent's license".

Amendment No. 9

On page 2, line 8, of said bill, strike out "a disability only agent's examination", and insert "the qualification examination for a disability-only agent's license".

Amendment No. 10

On page 2, line 9, of said bill, strike out "respect to", and insert "the examination requirements for".

Amendment No. 11

On page 2, lines 9 and 10, of said bill, strike out "to transact casualty insurance".

Amendment No. 12

On page 2, line 19, of said bill, strike out "711", and insert "1711".

Amendment No. 13

On page 3, line 10, of said bill, strike out "as a life agent of a life insurer", and insert "of the type applied for".

Amendment No. 14

On page 3, line 11, of said bill, after the word "held", insert "such" and strike out "to act as a life agent".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 970--An act to add Sections 22.5 and 23.5 to the Insurance Code, relating to the definition of insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In the second line of the title of the printed bill, after the word "insurance" and before the period, insert ", and declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1, line 2, of said bill, strike out "prohibit", and insert "regulate".

Amendment No. 3

On page 1, line 5, of said bill, after "promising" and before "such", insert ", or purporting to promise,".

Amendment No. 4

On page 1, line 6, of said bill, after the word "furnish" and before the word "medical", insert "or procure".

Amendment No. 5

On page 1, line 9, of said bill, after the word "furnish" and before the word "no", insert "or procure".

Amendment No. 6

On page 1, line 12, of said bill, strike out "to require", and insert "to accomplish such regulation by requiring".

Amendment No. 7

On page 1, line 13 of said bill, strike out "engage", and insert "engages, or purports to engage,".

Amendment No. 8

On page 1, line 14, of said bill, after the word "furnishing" and before the word "hospital", insert "or procuring".

Amendment No. 9

On page 1, line 23, of said bill, after the word "undertakes" and before the word "to", insert ", or purports to undertake".

Amendment No. 10

On page 1, line 24, of said bill, strike out "to another".

Amendment No. 11

On page 1, line 25, of said bill, strike out "dependent", and insert "contingent".

Amendment No. 12

On page 1, line 26, of said bill, strike out the word "such".

Amendment No. 13

On page 1 of said bill, strike out all of lines 27 and 28, and insert "the physical or mental illness or injury of a natural person, or upon his electing, at a future date, to be physi-".

Amendment No. 14

On page 2 of said bill, strike out all of line 8, and insert "curing, or which consists of the use of any degree of effort to arrange for or procure, any such care, treatment,".

Amendment No. 15

On page 2, line 10, of said bill, after the word "above" and before the period, insert "services".

Amendment No. 16

On page 2, line 20, of said bill, after the word "services", insert ", and services incidental thereto,".

Amendment No. 17

On page 2 of said bill, strike out all of lines 19 to 28, and insert
"(3) A person whose activities constitute the practice of his profession under a license issued to him pursuant to Chapters 4 and 5 of Division 2 of the Business and Professions Code, the Osteopathic Act or the Chiropractic Act and who is the sole person interested, directly or indirectly, in the profits from such activities.

(4) A group or partnership composed solely of persons described in (3) hereof."

Amendment No. 18

On page 2, line 29, of said bill, strike out "(4)", and insert "(5)".

Amendment No. 19

On page 2 of said bill, strike out all of lines 32, 33, and 34.

Amendment No. 20

On page 2 of said bill, after line 48, insert

"SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning

of Section 1, Article IV of the Constitution, and shall therefore go into immediate effect. The statement of facts constituting such urgency is as follows:

Since the last regular session of the Legislature, many irresponsible, unlicensed and unregulated nonprofessional organizations have begun the business of selling or purporting to sell hospital and medical service contracts to the public at large. In most instances the contracts are nonobligatory, promising only to use the promisor's best efforts to procure the represented service, which results in (1) many of the contracts not being honored at all and (2) the remainder generally being carried out in a manner far short of the representations made at the time of sale. A great number of our citizens have been, and are now being, victimized by such activities. Current insurance laws formerly were interpreted by the courts so as to regulate such activities. However, from a recent decision of the Supreme Court rendered in a case involving the activities of a highly reputable organization of licensed physicians, which is exempted from the effect of this act, it is stated that, a promise of "service" rather than "indemnity" is not an insurance contract and does not subject the promisor to regulation under current laws. The interpretation of this decision gave rise to the current abuses. The public will suffer irreparable injury unless these organizations are immediately subjected to regulation. It is therefore essential that this act take effect immediately."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 971—An act to amend Sections 700.01, 700.02, and 1594 of the Insurance Code, to renumber and amend Section 1584 of said code, to repeal Section 1582 of said code, and to add Section 700.05 to said code, relating to insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 12, 13, and 14, and insert "is not less than one million dollars (\$1,000,000) or the aggregate of the amounts hereinafter set forth opposite the classes transacted by it, or which it is or seeks to be licensed to transact, in the United States if an alien insurer, or in any jurisdiction if other than an alien insurer, whichever is lower; provided, that".

Amendment No. 2

On page 1, line 16, of said bill, strike out "transacting nor seeking to", and insert "so transacting nor licensed or seeking to be licensed to so".

Amendment No. 3

On page 2, lines 35 and 36, of said bill, strike out "for all classes of insurance transacted by it".

Amendment No. 4

On page 2, lines 47 and 48, of said bill, strike out "for all classes of insurance transacted or to be transacted by it".

Amendment No. 5

On page 3, lines 6 and 7, of said bill, strike out "for all classes of insurance transacted or to be transacted".

Amendment No. 6

On page 3 of said bill, strike out lines 13, 14, and 15, and insert "of an insurer, there shall be included all classes of insurance transacted by it, or which it is or seeks to be licensed to transact, in the United States if an alien insurer, or in any jurisdiction if other than an alien insurer.

The terms "transact," "transacted" and "transacting" as used in such applicable provisions of this code shall be taken to include all classes of insurance which the insurer is or seeks to be licensed to so transact."

Amendment No. 7

On page 3, line 23, of said bill, after "section", insert ", or the transaction, or becoming licensed to transact, in any jurisdiction any class of insurance which it is not licensed to so transact on the effective date of this section,".

Amendment No. 8

On page 3, line 31, of said bill, strike out "doing", and insert "transacting or licensed to transact".

Amendment No. 9

On page 3, line 32, of said bill, strike out "as is done by", and insert "which".

Amendment No. 10

On page 3, line 33, of said bill, after "insurer", insert "is transacting or is licensed to transact".

Amendment No. 11

On page 3, line 42, of said bill, after "than", insert "an amount equal to".

Amendment No. 12

On page 3, line 43, of said bill, strike out "the transaction of".

Amendment No. 13

On page 3, line 44, of said bill, after "insurer", insert ", or which it is licensed to transact,".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 976—An act to add Article 4, comprising Sections 1610 to 1619, inclusive, to Chapter 4, Part 2, Division 1 of the Insurance Code, relating to actions in this State against nonadmitted insurers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

Strike out all of lines 5, 6, 7, 8, and 9, and the words "such policies" on line 10, of page 1 of the printed bill and insert "nonadmitted insurers have issued policies of insurance to residents of this State physically present herein at the time of such issuance; that this State has an interest in providing to its residents a convenient forum for the purpose of asserting and enforcing legal rights under such policies; that if such residents are left to seek remedy in distant forums they will be, for practical purposes, largely without remedy".

Amendment No. 2

On page 2, line 13, of said bill, strike out "of contracts of insurance".

Amendment No. 3

On page 2, line 15, of said bill, after "State" and before the period, insert "of contracts of insurance insuring (a) the lives or persons of residents of this State physically present herein at the time of such issuance or delivery or (b) property or operations located in this State".

Amendment No. 4

On page 2, line 19, of said bill, after the word "business" and before the period, insert "arising out of such contracts".

Amendment No. 5

Between line 52, page 2, and line 1, page 3, of said bill, insert "procure a certificate of authority to transact insurance in this State; or (2)".

Amendment No. 6

On page 3 of said bill, strike out all of lines 6 and 7, and insert "such action. The court may, in its discretion enter an order dispensing with such deposit or bond where the insurer makes a showing satisfactory to such court that it maintains in a state of the United States funds or securities, in trust or otherwise, sufficient and available to satisfy any final judgment which may be entered in such action, suit or proceeding."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 371—An act to add Section 10953.95 to the Insurance Code, relating to insurance.

Bill read second time.

Motion to Amend

Senator Parkman moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "administration", and insert "administrative".

Amendment No. 2

On page 1, line 5, of said bill, strike out "expend", and insert "make expenditures at any time from paid-in surplus".

Amendment No. 3

On page 1, line 8, of said bill, strike out "out of that portion of", and strike out lines 9 to 20, inclusive, and insert "if the making of such expenditures would not reduce its paid-in surplus below an amount equal to one-half of the aggregate par value of its outstanding capital stock, and would not reduce its combined capital and surplus below the minimum required by this chapter."

Amendments read and adopted.

Bill ordered printed, re-engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 309—An act to amend Section 790 and to add Section 803.5 to the Agricultural Code, relating to nectarines, prescribing standards of quality and regulating the packing thereof, declaring the emergency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2840—An act to amend Section 1 of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, and to amend Section 34112 of, and to add Section 34112.4 to, the Government Code, creating new classes of cities to be known as cities of the four and seven-eighths class and cities of the four and five-eighths class, and to provide for their organization, to take effect immediately.

Bill read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 1042

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 18

Senate Bill No. 1248

Senate Bill No. 420

Senate Bill No. 19

Senate Bill No. 565

Has had the same under consideration and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 418

Has had the same under consideration and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 8; noes 1; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 417

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; noes 1; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 413

Senate Bill No. 414

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 412

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 7; noes 2; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 428

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 8; absent 4.

WARD, Chairman

Above reported bill ordered to second reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Senate Bill No. 141

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 7; committee vote: Ayes 4; noes 3.

JUDAH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Senate Bill No. 624

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 6; noes 1.

JUDAH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Assembly Bill No. 462

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 7.

JUDAH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Assembly Joint Resolution No. 17

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 7; committee vote: Ayes 4; noes 3.

JUDAH, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Senate Bill No. 1431

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 7; committee vote: Ayes 7.

JUDAH, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 726
Senate Bill No. 727

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

HUGH M. BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 728
Senate Bill No. 729
Senate Bill No. 858

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

HUGH M. BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 36

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Joint Resolution No. 28: By Senators Powers and Hatfield—Relative to the construction of flood control works for the Lower Klamath and Tule Lake Federal Waterfowl Refuges.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 98
Assembly Bill No. 144
Assembly Bill No. 152
Assembly Bill No. 269
Assembly Bill No. 434
Assembly Bill No. 520
Assembly Bill No. 930
Assembly Bill No. 1000
Assembly Bill No. 1122
Assembly Bill No. 1266

Assembly Bill No. 1799
Assembly Bill No. 1854
Assembly Bill No. 1855
Assembly Bill No. 1856
Assembly Bill No. 2162
Assembly Bill No. 2216
Assembly Bill No. 2366
Assembly Bill No. 2780
Assembly Bill No. 3094

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 30

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 56

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 98—An act to amend Sections 26822, 26826, 26828, 26829, 26834, 26838, 26841, 26848, and 26852 of, to repeal Section 26835, and to add Section 26849.1 to, the Government Code, relating to the fees of county clerks.

Referred to Committee on Local Government.

Assembly Bill No. 144—An act to amend Section 27265 of the Government Code, relating to destroying temporary index sheets by county recorders.

Referred to Committee on Local Government.

Assembly Bill No. 152—An act to amend Section 28158 of the Government Code, relating to compensation for public services in counties of the fifty-eighth class.

Referred to Committee on Local Government.

Assembly Bill No. 269—An act to amend Section 28125 of the Government Code, relating to compensation of county officers.

Referred to Committee on Local Government.

Assembly Bill No. 434—An act to amend Section 499b of, and to add Section 499d to the Penal Code, relating to unauthorized taking or operation of vehicles or aircraft.

Referred to Committee on Judiciary.

Assembly Bill No. 520—An act to amend Section 19233 of the Streets and Highways Code, relating to highway lighting districts.

Referred to Committee on Transportation.

Assembly Bill No. 930—An act to add Section 16275.5 to the Education Code, relating to the use of school busses.

Referred to Committee on Education.

Assembly Bill No. 1000—An act to cure defects in maps or plats filed for record prior to April 1, 1949, and in deeds or conveyances referring to such maps.

Referred to Committee on Local Government.

Assembly Bill No. 1122—An act to add Section 812 to the Civil Code, relating to estates in real property.

Referred to Committee on Judiciary.

Assembly Bill No. 1266—An act to add Section 31676.1 to the Government Code, relating to service retirement of county employees.

Referred to Committee on Local Government.

Assembly Bill No. 1799—An act to amend Section 29483 of the Government Code, relating to the payment to counties of United States forest reserve receipts.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1854—An act to amend Section 14033 of the Government Code, relating to the Revolving Fund of the Division of Architecture.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1855—An act to amend Section 185 of the Streets and Highways Code, relating to the Revolving Fund of the Division of Highways.

Referred to Committee on Transportation.

Assembly Bill No. 1856—An act to amend Section 4001 of the Government Code, relating to public work.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2162—An act to amend Sections 17221 and 17242 of the Government Code, relating to the registration of warrants drawn against the General Fund.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2216—An act to add Section 22264 to the Water Code, relating to irrigation districts.

Referred to Committee on Water Resources.

Assembly Bill No. 2366—An act to amend Sections 8937 and 8971 of the Business and Professions Code, relating to the licensing and regulation of yacht and ship brokers.

Referred to Committee on Business and Professions.

Assembly Bill No. 2780—An act to amend Section 9320 of the Government Code, relating to the compensation of officers and employees of the Senate and Assembly and making an appropriation for the payment of such compensation.

Referred to Committee on Rules.

Assembly Bill No. 3094—An act amending Section 5 of an act entitled "An act to define and officially adopt a state-wide system of plane coordinates, to provide for uniformity in the orientation of land surveys and maps within the State of California, and permitting, but

not requiring, the use thereof in surveying and mapping operations," approved July 10, 1947, relating to the state-wide system of plane coordinates.

Referred to Committee on Governmental Efficiency.

Assembly Joint Resolution No. 30—Relative to the assistance to veterans in borrowing funds from established lending institutions for the acquisition of homes and other purposes.

Referred to Committee on Military and Veterans Affairs.

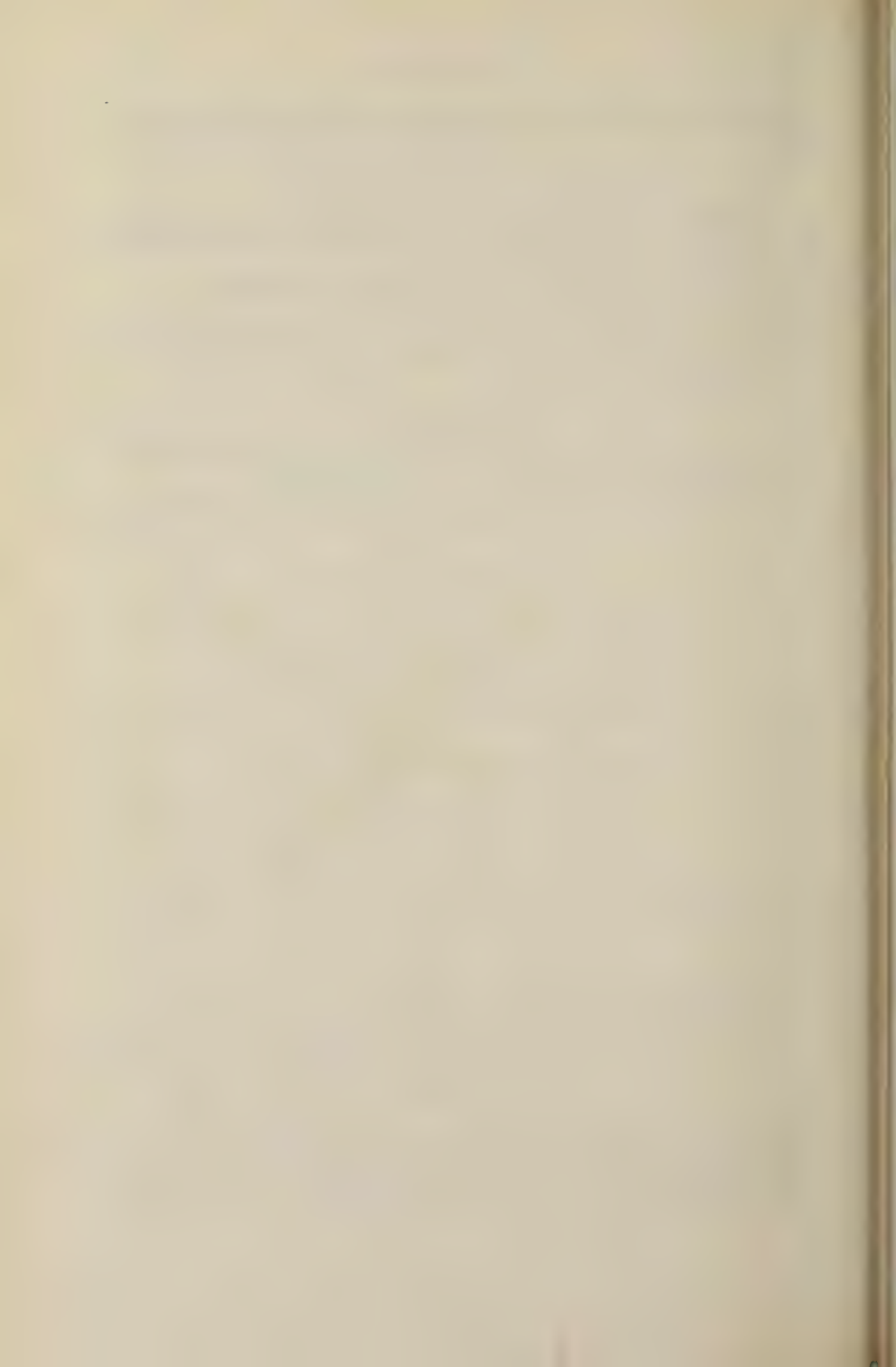
Assembly Concurrent Resolution No. 56—Relative to the report of the annual convention of the Disabled American Veterans of the Department of California.

Referred to Committee on Rules.

ADJOURNMENT

At 5.50 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 10 a.m., Friday, April 1, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FORTY-FIRST LEGISLATIVE DAY

EIGHTY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, April 1, 1949

The Senate met at 10 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—34.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Michael J. Burns, on motion of Senator Powers, due to illness.

Senator Dorsey, on motion of Senator Powers, due to illness.

Senator Johnson, on motion of Senator Powers, due to illness.

Senator Mayo, on motion of Senator Powers, due to legislative business.

Senator Regan, on motion of Senator Powers, due to legislative business.

Senator Tenney, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Abshire and Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James F. Bennett of Del Paso Heights.

On request of Senators O'Gara and Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to: Mrs. S. Breger, President; Mrs. Mary Benjamin, Mrs. S. Schonfeld, Mr. and Mrs. A. Serensky, Mr. and Mrs. M. Felton, Mrs. Fay Levy, Mrs. Harry Banks, Mrs. R. Borovoy, Mrs. Morris Mendle, Mrs. Vivian Schole, Mrs. Joe Thieben, Mrs. Albert Getz, Mrs. Irene Kosak, Mrs. Hannah Koler, all of San Francisco; Mrs. Harry Geballe, San Mateo; Mrs. Arnin Wittenberg, Beverly Hills; Mrs. Leo M. Hirschfeld, Mrs. Morton Garbus, Los Angeles; Mrs. Bertram L. Wolfsohn, and Mrs. Morris Trieber, San Mateo; members of the National Council of Jewish Women.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. L. Wallace Hopkins of Hollywood.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 1, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 80

Senate Bill No. 552

Senate Bill No. 206

Senate Bill No. 1016

Senate Bill No. 349

Senate Bill No. 1468

Senate Bill No. 550

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 87

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 594

Senate Bill No. 1301

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 512

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 29

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported resolution ordered to third reading.

CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS

Senate Bill No. 98—An act to amend Sections 5404 and 5406 of the Welfare and Institutions Code, relating to the support and parole of persons committed to industrial farms, industrial road camps or branches of county jails for addiction to the intemperate use of stimulants, dipsomania or inebriety.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1278—An act to add Sections 3332 and to repeal Sections 3259, 3304, and 3304.5 of, the Welfare and Institutions Code, relating to institutions for the blind under the jurisdiction of the Department of Education.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 459—An act to add Section 1755.5 to the Welfare and Institutions Code, relating to the placement of persons under the jurisdiction of the Youth Authority in certain institutions under the jurisdiction of the Department of Corrections for study, diagnosis, and treatment, authorizing the Director of Corrections to receive and keep such persons therein, and providing for the status and rights of persons so placed.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 460—An act to add Article 10, comprising Sections 1250 to 1257, inclusive, to Chapter 3 of Part 1 of Division 2 of the Welfare and Institutions Code, providing for the establishment of the California Youth Training School and the commitment and transfer of youthful offenders thereto and therefrom, declaring escape or attempted escape therefrom a crime.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1215—An act to amend Section 19611 of the Education Code, relating to child care centers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1042—An act to amend Section 690.24 of the Code of Civil Procedure, relating to property exempt from execution of judgment in civil actions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out the words "five hundred", and insert "two hundred and fifty"; and strike out "(\$500)", and insert "(\$250)".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 18—An act to amend Section 4852.17 of the Penal Code, relating to the restoration of certain rights to persons who are granted full and unconditional pardons.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 420—An act to amend Section 2082 of the Penal Code, relating to the distribution of identification data concerning prisoners to identification bureaus.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 565—An act to add Section 5004 to the Penal Code, relating to agreements for mutual police aid.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1248—An act to amend Sections 11501 and 11519 of the Government Code, relating to administrative adjudication.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 19—An act to amend Sections 2051 and 2065 of the Code of Civil Procedure, relating to examination and impeachment of witnesses.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 418—An act to amend Sections 5077 and 5079 of the Penal Code, relating to the state correctional system.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 20, of the printed bill, strike out "Provided, however, that", and insert "However,".

Amendment No. 2

On page 1, line 23, of said bill, strike out "established by the Adult Authority", and insert "so established".

Amendment No. 3

On page 2, line 13, of said bill, strike out "administrative operations", and insert "administration".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 417—An act to repeal Chapter 5.5 consisting of Sections 6035, 6036, and 6037, of Title 7 of Part 3 of the Penal Code and to amend Section 6025 of the Penal Code and to add Sections 6025.1 and 6025.2 to the Penal Code, relating to the state correctional system.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 413—An act to amend Section 3049 of the Penal Code, relating to minimum imprisonment.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 414—An act to add Section 2900.1 to the Penal Code, relating to term of imprisonment.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 412—An act to amend Section 5075 and to add Sections 5076.1 and 5076.2 to the Penal Code, relating to the Adult Authority.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, strike out lines 5 to 7, inclusive, and insert "with the advice and consent of the Senate."

Amendment No. 2

On page 2, line 12, of said bill, strike out "the provisions of this chapter", and insert "its functions".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 428—An act to amend Section 2085 of, and to add Section 5060 to, the Penal Code, relating to disposition of moneys and valuables of prisoners.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 2085 of, and to add Section 5060", and insert "Sections 2085 and 5006 of, and to add Section 5061".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out line 12, and insert

"Sec. 2. Section 5006 of said code is amended to read:

5006. All moneys now held for the benefit of prisoners including that known as the Inmate Canteen Fund of the California Institution for Men, and the Inmate Welfare Fund of the California Institution for Women, and the Trust Contingent Fund of the State Prison at Folsom, and the S. P. L. Commissary, Canteen Account, Hobby Association, Camp Account, Library Fund, News Agency of the State Prison at San Quentin, the Prisoners' Fund, and the Prisoners' Employment Fund, shall be deposited in the Inmate Welfare Fund of the Department of Corrections, in the

State Treasury, which fund is hereby created. The money in the fund shall be used for the benefit, education, and welfare of inmates of prisons and institutions under the jurisdiction of the Department of Corrections, including but not limited to the establishment, maintenance, employment of personnel for, and purchase of items for sale to inmates at, canteens maintained at the state institutions and for the establishment, maintenance, employment of personnel and necessary expenses in connection with the operation of the hobby shops at institutions under the jurisdiction of the Department of Corrections.

There shall be deposited in the Inmates' Welfare Fund all net proceeds from the operation of canteens and hobby shops and [the money and property of prisoners who escape and are not apprehended or who die without leaving heirs, and there shall also be deposited in said fund] any moneys which may be assigned to the state prison by prisoners for deposit in said fund. The moneys in said fund shall constitute a trust held by the Director of Corrections for the benefit and welfare as herein defined of all of the inmates of institutions and prisons under the jurisdiction of the Department of Corrections.

SEC. 3. Section 5061 is added to said code, to read: "

Amendment No. 3

On page 1, line 13, of said bill, strike out "5060." and insert "5061."

Amendment No. 4

On page 2, line 3, of said bill, strike out "General", and insert "Estates of Deceased Persons'".

Amendment No. 5

On page 2, lines 7 and 8, of said bill, strike out "file with", and insert "deliver to".

Amendment No. 6

On page 2, line 17, of said bill, strike out "Filed with the county recorder", and insert "delivered to the public administrator".

Amendment No. 7

On page 2, lines 23 and 24, of said bill, strike out "filed with the county recorder", and insert "delivered to the public administrator".

Amendment No. 8

On page 2 of said bill, strike out lines 31 to 33, inclusive, and insert "SEC. 4. This act shall apply to funds, securities, and property in the possession of the Director of Corrections on its effective date as well as to funds, securities, and property which come into his possession thereafter."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 141—An act to amend Section 5801 of the Labor Code, relating to attorney's fees under the Workmen's Compensation Act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 1 of the printed bill, strike out lines 8 to 15, inclusive, and insert "In the event the injured employee or the dependent of a deceased employee prevails in any petition for a writ of review from an award of the commission by the employer and the reviewing court finds that there is no reasonable basis for the petition, it shall remand the cause to the commission for the purpose of making a supplemental award award."

Amendment No. 2

On page 1, line 18, of said bill, strike out "appeal", and insert "petition for writ of review".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Senate Bill No. 624—An act to amend Section 65 of the Labor Code, relating to conciliation and arbitration of labor disputes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1431—An act to amend Sections 7621, 7622, 7623, 7624, 7650, 7654, 7691, 7692, 7720, and 7721 of the Labor Code; to amend and renumber Section 7722 of said code and to enact a new Section 7722; to renumber Section 7723 and to enact a new Section 7723; to renumber Section 7724 of said code; all relating to regulation of and inspection of tanks and boilers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

In line 1 of the title of the printed bill, after "7654", insert "7681, 7682."

Amendment No. 2

In the title of said bill, strike out lines 3 to 5, inclusive, and insert "and renumber Sections 7722, 7723, and 7724 of said code; and to add Sections 7722 and 7723 to said code;"

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, between lines 2 and 3, insert

"7621. "Boiler", as used in this part, means any [steam boiler] *fixed or unfixed pressure vessel used to generate steam pressure by the application of heat*, subject to this part.

SEC. 2. Section 7622 of said code is amended to read:

7622. "Tank", as used in this part, means any [air pressure tank] *unfired pressure vessel, subject to this part, used for the storage of air pressure or liquefied petroleum gases, provided, however, that for the purpose of shop inspection, "tank" shall mean any unfired pressure vessel built according to the rules of any nationally recognized pressure vessel code.*

SEC. 3. Section 7623 of said code is amended to read:

7623. This part applies to all [steam] boilers and [air pressure] tanks which are not specifically exempted in this chapter, *or by the general safety orders of the division now in effect or which may be hereafter adopted.*

SEC. 4. Section 7624 of said code is amended to read:

7624. The following [air pressure] tanks are not subject to this part:

(a) [Air pressure] Tanks under the jurisdiction or inspection of the United States Government.

(b) Air pressure tanks used in household domestic service.

(c) [Air pressure] Tanks of one and one-half cubic feet or less [in capacity and installed as part of a motor vehicle or its trucking or accessory equipment and] *which are not subject to a pressure of more than one hundred fifty pounds per square inch.*

(d) Air pressure tanks installed on units of transportation, including trucks, busses and streetcars, which units of transportation are operated by any person, firm or corporation subject to the jurisdiction of the Interstate Commerce Commission or the [California Railroad Commission] *Public Utilities Commission.*

(e) *Tanks not subject to an internal or external pressure of more than fifteen pounds per square inch, irrespective of size.*

SEC. 5. Section 7650 of said code is amended to read:

7650. Inspections required by this part [may] *shall be made either by [inspectors] boiler safety engineers employed by the division or by a certified inspectors; provided, however, that shop inspections shall be made by the division, acting through its boiler safety engineers when request therefor is made by any manufacturer of tanks or boilers.*

(a) As used in this chapter a "certified inspector" is one who is qualified to make inspections or examinations of boilers or tanks according to the rules under which the vessel is constructed, who has an unrevoked certificate of competency issued pursuant to this part, and who is employed by any one of the following:

- [(a)] (1) A county.
- [(b)] (2) A city.
- [(c)] (3) An insurer.
- [(d)] (4) [A person] An employer, for the purpose of [testing] inspecting only tanks [or] and boilers [owned by him] under his jurisdiction.

(b) As used in this chapter a "boiler safety engineer" is one who is qualified to make inspections or examinations of boilers or tanks according to the rules under which the vessel is constructed, and who holds an unrevoked certificate of competency issued pursuant to this part.

SEC. 6. Section 7654 of said code is amended to read:

7654. Where serious conditions are found by certified inspectors that would jeopardize the life, limb, or safety of employees, the reports of inspection shall be made forthwith to the division by telegraph or telephone within twenty-four hours.

Within 21 days after each routine inspection [made by him], every certified inspector shall forward a report of his inspections, on prescribed forms, to the division [on the forms provided by it]. His certificate of competency may be suspended or revoked by the division for failure to comply with this section.

SEC. 7. Section 7681 is amended to read:

7681. The division shall inspect or cause to be inspected each installed tank at least every two years.

SEC. 8. Section 7682 is amended to read:

7682. The division shall inspect or cause to be inspected each installed boiler, internally and externally, at least every year.

SEC. 9. Section 7691 of said code is amended to read:

7691. If the operation of a tank or boiler [without a permit] constitutes a serious menace to the life or safety of any person employed about it, the division or any of its safety [inspectors] engineers or any person affected thereby, may apply to the superior court of the county in which the tank or boiler is situated for an injunction restraining its operation until the condition has been corrected [or a permit secured].

SEC. 10. Section 7692 of said code is amended to read:

7692. The [certificate] certification of the division that no valid permit exists for the operation of a tank or boiler, and the affidavit of any safety [inspector] engineer of the division that its operation constitutes a menace to the life or safety of any person employed about it, is sufficient proof to warrant the immediate granting of a temporary restraining order.

SEC. 11. Section 7720 of said code is amended to read:

7720. No fee shall be charged by the division where an inspection is made by a certified inspector, provided the inspection has been made and reports have been submitted within the time limits specified in this part.

SEC. 12. Section 7721 of said code is amended to read:

7721. The division may [shall], by general safety order, fix and collect fees for the complete shop inspection of tanks [, not exceeding three dollars (\$3.00) for each inspection]. Said fees shall be fixed in accordance with the size of the tank, the time required to make the inspection and the quantities so inspected. Such fees shall not in any event exceed the following amounts:

- (a) For one small tank-----four dollars (\$4.00)
- (b) For small tanks in lots of two or more, per hour-----four dollars (\$4.00)
or per tank-----thirty-five cents (\$0.35)
whichever is greater.
- (c) Large tanks, per hour-----four dollars (\$4.00)

SEC. 13. Section 7722 of said code is amended to read:

[7722] 7724. The division [shall] may, by general safety order, fix and collect fees for the complete field and/or shop inspection of boilers. [as follows:] Such fees shall not, in any event, exceed the following amounts:

- (a) For boilers twenty inches or less in diameter, or less than three horsepower:
 - (1) External inspection, [two dollars (\$2.00)] three dollars (\$3.00)
 - (2) Internal inspection, [three dollars (\$3.00)] four dollars (\$4.00)
- (b) For fire tube boilers over twenty inches in diameter:
 - (1) External inspection, [three dollars (\$3.00)] four dollars (\$4.00)
 - (2) Internal inspection, [seven dollars and fifty cents (\$7.50)] eleven dollars (\$11.00)
- (c) For water tube boilers:
 - (1) External inspection, [five dollars (\$5.00)] seven dollars and fifty cents (\$7.50)
 - (2) Internal inspection, [fifteen dollars (\$15.00)] twenty-two dollars and fifty cents (\$22.50)

SEC. 14. Section 7722 is added to said code to read :

7722. The division may, by general safety order, fix and collect fees for the field inspection of tanks. Such fees shall not exceed the following amounts :

(a) Small tanks, each.....four dollars (\$4.00)
(b) Large tanks, per hour.....four dollars (\$4.00)

SEC. 15. Section 7723 of said code is amended to read :

[7723] 7725. All inspection fees shall be paid before the issuance of a permit.

SEC. 16. Section 7723 is added to said code to read :

7723. As used in this chapter, the following terms shall have the meaning therein given them.

(a) "Small tank" shall mean any tank of less than 1200 gallons water capacity.

(b) "Large tank" shall mean any tank of more than 1200 gallons water capacity.

(c) "Shop inspection" shall mean the inspection and testing of tanks or boilers, manufactured, or in the process of manufacture, repair, or alteration, in the manufacturer's shops, or at the job site, in accordance with the applicable rules of the respective codes under which they are manufactured.

(d) "Field inspection" shall mean the inspection and testing of installed tanks and/or boilers regardless of location, and shall also include the inspection of tanks and boilers in the possession of a dealer or vendor when request therefor is made by a prospective purchaser thereof.

SEC. 17. Section 7724 of said code is amended to read :

[7724] 7726. The inspection fees collected under this article shall be paid into the General Fund."

Amendment No. 4

On page 1, strike out lines 3 to 22, inclusive, and strike out pages 2 to 4, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Senate Bill No. 726—An act to amend Sections 10150.5, 10158, 10176, 10177, 10177.5, 10211, and 10213.5 of, and to add Sections 10161.5, 10150.6, and 10177.6 to the Business and Professions Code, relating to real estate regulations, including licenses and disciplinary action.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions :

Amendment No. 1

On page 4, line 14, of the printed bill, after the comma, insert "and during such time was not actively engaged in the business of real estate salesman,".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 727—An act to amend Sections 10275.5, 10301, 10302, 10331, and 10333.5 of, to add Sections 10275.6, 10284.5, 10302.5, and 10302.6 to, and to renumber and amend Section 104281 of the Business and Professions Code, relating to business opportunity regulations.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions :

Amendment No. 1

On page 4, line 18, of the printed bill, after the comma, insert "and during such time was not actively engaged in the business of business opportunity or real estate salesman,".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 728—An act to amend Sections 10376, 10382, 10401, 10402, and 10432.5 of, and to add Sections 10375.5, 10385.5, 10402.5, 20402.6, and 10432 to the Business and Professions Code, relating to cemetery brokerage regulations.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 729—An act to amend Sections 10521, 10561, 10562, 10591, and 10593.5 of, and to add Sections 10515.5, 10524.5, 10562.5, and 10562.6 to, the Business and Professions Code, relating to mineral, oil and gas brokerage.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 858—An act to amend Section 10454 of the Business and Professions Code, relating to the Division of Real Estate.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 36—An act to add Section 2137.1 to the Business and Professions Code, relating to the practice of medicine within state institutions, prisons, or homes.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 7, of said bill, after "home", insert a comma and "other than the Veterans' Home of California".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 40—An act to amend Sections 1500, 1501, and 1503 of the Welfare and Institutions Code, relating to needy children.

Bill read second time, and ordered to third reading.

Assembly Bill No. 462—An act to amend Sections 1595 and 1663 of the Labor Code, relating to employment agencies, including artists' managers, the transfer of an interest in an employment agency, and the applicability of various Labor Code sections to artists' managers.

Bill read second time, and ordered to third reading.

Chief Assistant Secretary Cleve V. Taylor at the Desk

THIRD READING OF SENATE BILLS

Senate Bill No. 682—An act to amend Section 2559.5 and to add Sections 2559.6, 2600.5 and 2603 to the Health and Safety Code, relating to the control of tuberculosis and providing penalties for the violation thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Cunningham, Dilworth, Drobish, Hatfield, Hulse, Jespersen, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1013—An act to add Section 7057 to the Revenue and Taxation Code, relating to registration of employers under the California Unemployment Insurance Act by officers and employees of the Board of Equalization.

Bill read third time.

Motion to Amend

Senator Kraft moved the adoption of the following amendment :

Amendment No. 1

On page 1, line 13, of the printed bill, strike out "Any officer or employee of the Board of Equaliza-", and strike out lines 14 to 24, inclusive.

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 1327—An act to amend Section 1094.5 of the Code of Civil Procedure, relating to the review of administrative orders or decisions.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Cunningham, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTIONS TO RECONSIDER

Assembly Joint Resolution No. 26—Relative to the participation of the United States in a world federal government.

Postponement of Motion to Reconsider

Senator Donnelly moved that his motion to reconsider the vote whereby Assembly Joint Resolution No. 26 was adopted be continued until the next legislative day.

The roll was called, and the motion carried by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Kraft, McBride, Miller, O'Gara, Parkman, Rich, Salsman, Sutton, Swing, Watson, Weybret, and Williams—27.

NOES—Senator Keating -1

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 996—An act to amend Section 108 of the Civil Code, relating to divorce actions on grounds of insanity.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Drobish, Hulse, Kraft, McBride, O'Gara, Powers, Rich, Swing, Ward, Watson, Weybret, and Williams—21.

NOES—Senators Crittenden, Desmond, Donnelly, Hatfield, Jespersen, Judah, Keating, and Sutton—8.

Bill ordered transmitted to the Assembly.

Senate Bill No. 232—An act to amend Section 9 of the Dangerous Weapons Control Law, relating to dealer's registers.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1264—An act to amend Section 1013 of the Code of Civil Procedure, relating to service by mail.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Judah, Keating, Kraft, McBride, Miller, O'Gara, Salsman, Sutton, Ward, Watson, Weybret, and Williams—29.

NOES—Senator Jespersen—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 454—An act to amend Section 5392 of the Streets and Highways Code, relating to the Improvement Act of 1911.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 458—An act to amend Sections 2039, 2045.4, 5003, and 6105 and the article heading of Article 5 of Chapter 1 of Title 1 of Part 3 of the Penal Code, and to add Article 6, comprising Sections 2046 to 2046.6, to Chapter 1 of Title 1 of Part 3 thereof, relating to institutions subject to the jurisdiction of the Department of Corrections, providing for the establishment of the Southern California Medium Security Prison and for the commitment and transfer of persons thereto and therefrom.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish,

Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 855—An act to amend Section 28113 of the Government Code, relating to compensation for public service in counties of the thirteenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 550—An act to amend Section 28152 of the Government Code, relating to compensation for public services in counties of the fifty-second class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Jespersen, Judah, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 552—An act to add Section 25562 to the Government Code, relating to county participation in centennial celebrations, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—30.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Ward, Watson, and Williams—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1016—An act to amend Section 29741 of the Government Code, relating to authorization of purchase orders by auditors.

Motion to Refer Bill to Inactive File

Senator Kraft moved that Senate Bill No. 1016 be placed on the inactive file.

Motion carried.

Senate Bill No. 1468—An act to amend Section 9.5 of the Municipal Court Act of 1925, relating to compensation of officials of the municipal court.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 970—An act to add Sections 22.5 and 23.5 to the Insurance Code, relating to the definition of insurance, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote :

AYES—Senators Abshire, Breed, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Miller, Parkman, Powers, Rich, Salsman, Swing, Ward, Watson, and Williams—28.

NOES—None.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Judah, Keating, Kraft, McBride, Miller, Parkman, Powers, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 971—An act to amend Sections 700.01, 700.02, and 1594 of the Insurance Code, to renumber and amend Section 1584 of said code, to repeal Section 1582 of said code, and to add Section 700.05 to said code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Miller, Parkman, Powers, Rich, Salsman, Sutton, Swing, Ward, and Watson—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Senate Bill No. 976—An act to add Article 4, comprising Sections 1610 to 1619, inclusive, to Chapter 4, Part 2, Division 1 of the Insurance Code, relating to actions in this State against nonadmitted insurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Keating, Kraft, McBride, Miller, Parkman, Powers, Rich, Salsman, Sutton, Swing, Ward, and Watson—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 371—An act to add Section 10953.95 to the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hulse, Jespersen, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 206—An act to amend Section 464 of the Agricultural Code, relating to the serving of market milk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Jespersen, Judah, Keating, Kraft, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 824—An act to amend and renumber Section 1703 of, to add Section 1703 to, to amend Sections 1705.2, 1706.85, 1706, and 1706.95 of, and to repeal Section 1703.5 of, the Insurance Code, relating to life agents' licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Jespersen, Judah, Keating, Kraft, Miller, Powers, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 566

Senator Williams moved that Senate Bill No. 566 be withdrawn from Committee on Social Welfare for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 566—An act to amend Section 201 of, and add Sections 201.1 and 205.5 to the Unemployment Insurance Act, relating to unemployment compensation disability benefits.

Bill read second time.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

Amendment No. 1

In the first line of the title of the printed bill, strike out "Section", and insert "Sections 150, 152, 200 and".

Amendment No. 2

In the second line of the title of said bill, strike out "205.5", and insert "205.1".

Amendment No. 3

On page 1, line 1, of said bill, strike out "201", and insert "150".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 4

On page 1 of said bill, after line 2, insert

"Sec. 150. The purpose of this article is to compensate in part for the [wage] loss sustained by individuals unemployed because of sickness or injury and to reduce to a minimum the suffering caused by unemployment resulting therefrom. This article shall be construed liberally in aid of its declared purpose to mitigate the evils and burdens which fall on the unemployed and disabled worker and his family.

SEC. 2. Section 152 of said act is amended to read:

SEC. 152. (a) "Unemployment compensation benefits," as used in this article, refers to benefits as defined in Section 10 and payable under Articles 1 to 9 of this act.

(b) "Unemployment compensation disability benefits" refers to money payments payable under this article to an eligible unemployed *disabled* individual [with respect to his wage losses due to unemployment as a result of illness or other disability resulting in such individual being unavailable or unable to work due to such illness or disability].

(c) The term "unemployment insurance" wherever it appears in this act shall mean "unemployment compensation."

SEC. 3. Section 200 of said act is amended to read:

SEC. 200. Unemployment compensation disability benefits shall be payable from the unemployment compensation disability benefit fund to individuals who are eligible to receive such payments under this article. *After December 31, 1949 unemployment compensation disability benefits shall include hospital benefits as well as wage loss benefits. "Wage loss benefits" are partial compensation for loss of wages due to unemployment as a result of a disability. "Hospital benefits" are partial reimbursement to an eligible unemployed disabled individual of the expenses of his confinement in a hospital.*

[Such benefits shall be paid through public employment offices or such other agencies as may be approved by the commission.] Minors who are eligible for such benefits may be paid and receive benefits in their own right and a receipt signed by a minor shall be valid and binding in all respects.

SEC. 4. Section 201 of said act is amended to read:"

Amendment No. 5

On page 1, line 12, of said bill, strike out "SEC. 2", and insert "SEC. 5."

Amendment No. 6

On page 1 of said bill, strike out lines 14 to 25, inclusive, and strike out all of page 2, and insert

"Sec. 201.1. Benefits shall not be paid in respect to disability due primarily to any one pregnancy or a complication thereof for an aggregate of more than forty two days; provided however, that this limitation shall not apply to a disability caused by pregnancy in respect to a period of unemployment and disability commencing more than three months after the termination of such pregnancy.

SEC. 6. Section 205.1 is added to said act, to read:

Sec. 205.1. (a) After December 31, 1949 an unemployed disabled individual shall be paid hospital benefits for any one period of unemployment and disability while confined as a registered bed patient in a legally operated hospital; such benefits shall be such portion of his actual expenses for room, board and general nursing care as does not exceed nine dollars for each day during not more than ten days of such confinement.

(b) Hospital benefits shall be paid only if the commission finds that:

(1) Such unemployed disabled individual was eligible in all respects to receive wage loss benefits during all of the period of his hospital confinement; provided however, that any unexpired portion of the waiting period required in Section 205 shall be waived as to both wage loss benefits and hospital benefits at the time the individual is first so confined; and provided further, that an individual who is otherwise eligible shall not be rendered ineligible for hospital benefits by the provisions of Section 208, and

(2) Such individual has made a claim and presented evidence of his actual hospital expenses as required by authorized regulations.

(c) As used in this section "legally operated hospital" means an institution authorized by law to operate as a hospital which has not less than ten beds for resident patients, 24-hour nursing service and facilities therein for the performance of major surgical operations.

(d) The amount of benefits payable under this section shall be in addition to other benefits provided by this act.

(e) Notwithstanding any other provisions of this act, an eligible disabled individual may in accordance with authorized regulations authorize the payment of the amount of his hospital benefits jointly to himself and to the hospital in which he is confined.

SEC. 7. Section 201.1 and the amendment to Section 201 made by this act shall become operative on January 1, 1950."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1017

Senator Jespersen moved that Senate Bill No. 1017 be withdrawn from Committee on Fish and Game for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1017—An act to amend Section 806 of the Fish and Game Code, relating to Pismo clams.

Bill read second time.

Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 806 of", and insert "Sections 806, 806.5, and 807 of, and to add Section 806.7 to,".

Amendment No. 2

On page 1, line 7, of said bill, after the period, insert "All undersized clams shall be returned to the hole from which they are dug or to deep water."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1, of said bill, after line 7, insert

"SEC. 2. Section 806.5 of said code is amended to read:

806.5. Pismo clams may [not] be taken for commercial purposes *only in District 18 [in the waters of this State] but shall not be taken for such purposes in the area between Ocean View Avenue and the extreme north limits of Pismo Beach, which portion of beach shall be set aside as a closed area.* Pismo clams may be taken under a sporting fishing license in Districts 15, 16, and 17 between September 1st and April 30th. In all other districts, except in marine life refuges and clam reserves, Pismo clams may be taken at any time of year. [Pismo clams taken in the waters of this State may not be sold.]

SEC. 3. Section 806.7 is added to said code, to read:

806.7. No person shall dig Pismo clams for commercial purposes without a special commercial clam digging license. Such license shall be issued for a period of one year by the commission to persons eighteen or more years of age upon payment of a fee of fifty dollars (\$50), and shall entitle the holders thereof to dig, within the provisions of Section 806.5 of this code, not to exceed thirty Pismo clams of legal size each day in water not less than average knee depth.

SEC. 4. Section 807 of said code is amended to read:

807. No Pismo clam may be transported *unless taken as provided in Sections 806.5 and 806.7 of this code.* No Pismo clam not in the shell may be possessed, except when it is being prepared for immediate consumption."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

CONSIDERATION OF DAILY FILE (RESUMED)**Request for Unanimous Consent**

Senator Salsman asked for, and was granted, unanimous consent to take up Senate Bill No. 850 at this time for the purpose of amendment.

Senate Bill No. 850—An act to add Chapter 1.6 to Division 3 of the Education Code, providing for school district public works, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 50, of the printed bill, as amended, strike out "as he may", and insert "and number of copies as the State Allocation Board shall".

Amendment No. 2

On page 2, line 50, of said bill, strike out "The", and insert "Each copy of the".

Amendment No. 3

On page 3, line 6, of said bill, strike out "director", and insert "Director of Finance. Immediately upon receipt of an application in the prescribed form accompanied by the required estimate of cost, a copy thereof shall be transmitted by the director to the Director of Finance".

Amendment No. 4

On page 3, line 11, of said bill, strike out "director", and insert "Director of Finance".

Amendment No. 5

On page 3, line 18, of said bill, strike out "board", and insert "Director of Finance, who shall, if he finds said documents to be in proper form and otherwise sufficient, refer them to the board. If the Director of Finance finds said documents to be lacking in any respect, he shall refer them to the director who shall take such action as may be necessary".

Amendment No. 6

On page 3, line 19, of said bill, after "shall", insert ", subject to the provisions of this chapter,".

Amendment No. 7

On page 3, line 20, of said bill, strike out "director, subject to the provisions of this chapter", and insert "Director of Finance".

Amendment No. 8

On page 4, line 8, of said bill, strike out "a majority", and insert "two-thirds".

Amendment No. 9

On page 4, line 23, of said bill, strike out "director", and insert "Director of Finance".

Amendments read, and adopted. •

Bill ordered printed, re-engrossed, and returned to its status of a Special Order of Business for Tuesday, April 5, 1949, at 2 p.m.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to have the following report of the Joint Legislative Committee on Lending Transactions, printed in the Journal.

REPORT OF JOINT LEGISLATIVE COMMITTEE ON LENDING TRANSACTIONS

(Created by Resolutions Chapter 30, 1949 General Session; continued by
Resolutions Chapter 82, 1949 General Session)

Members of Committee

SENATOR WILLIAM P. RICH, Chairman

HON. RALPH C. DILLS, Vice Chairman

SENATOR NATHAN F. COOMBS

HON. DONALD L. GRUNSKY

SENATOR THOMAS F. KEATING

HON. JONATHAN J. HOLLIBAUGH

Attorney-Investigator—WILLIAM P. GRAY

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LETTER OF TRANSMITTAL

SENATE CHAMBER, SACRAMENTO, CALIFORNIA, March 31, 1949

*Hon. Goodwin J. Knight**President of the Senate**Hon. Sam L. Collins**Speaker of the Assembly**Members of the Senate and Assembly*

The Joint Legislative Committee on Lending Transactions, created by Senate Concurrent Resolution No. 14, Resolutions Chapter 30, Statutes of 1949, and continued by Senate Concurrent Resolution No. 37, Resolutions Chapter 82, Statutes of 1949, herewith submits its final report.

Respectfully submitted,

RICH, Chairman

REPORT OF JOINT LEGISLATIVE COMMITTEE

ORGANIZATION

The resolution under which this committee was created, authorized and directed the committee "to ascertain, study and analyze all facts relating to the Personal Property Brokers' Act, the California Small Loan Act, rates and interest, and other charges on loans, any and all matters pertaining to lending transactions, and any and all matters connected with or incidental to the subject matter of this resolution, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all loans in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation." (S.C.R. No. 14, Resolutions Chapter 30, Statutes of 1949.)

To accomplish this objective your committee engaged the services of Mr. William P. Gray, Attorney of Los Angeles, as Attorney-Investigator, to investigate the publicized charges of violations of the Personal Property Brokers' Act and the administration of such act, and to arrange for the examination by the committee of all persons in possession of facts pertinent to the subject of the resolution. The committee also authorized the employment of a firm of certified public accountants to assist in such investigation, and the development of facts pertinent to the subject of the resolution.

Hearings were scheduled by the committee at Los Angeles on February 18, 19, 21, and 22, at which the following individuals appeared and testified:

Hon. Fred N. Howser, Attorney General, State of California

Col. George W. Rochester, Attorney at Law, Special Counsel Appointed by Attorney General

James Monroe Jefferson, Publicist, Publisher "California Clipper"

Herbert Smith, Chief Assistant, Commissioner of Corporations

Alexander Sherriffs, Attorney at Law, Counsel for Legal Aid Society, San Francisco

Edwin F. Franke, Attorney at Law, Chief Counsel for Legal Aid Society of Los Angeles

John A. Metzler, Deputy Commissioner of Corporations, Chief of Finance Bureau
L. J. Styskal, Attorney at Law, Counsel for Various Loan Companies in Southern California
Lloyd Kessler, Auditor, Division of Corporations
Hon. Edwin M. Daugherty, Commissioner of Corporations, State of California
H. G. Bowles, Certified Public Accountant, Member of the Los Angeles Office of Lybrand, Ross Bros. & Montgomery
J. M. Redfield, Regional Director of Public Relations, Household Finance Corporation
Harry W. Moore, Certified Public Accountant, Member of the Los Angeles, Thomas & Moore, Witness for California Loan & Finance Association
M. O. Harrison, Vice President, Seaboard Finance Company, Chairman of the Executive Committee of the California Loan & Finance Association
Edgar H. Thrower, Vice President, C. I. T. Corporation
H. A. Meselson, General Partner, Globe Finance Company
Carl G. Meiners, Auditor, Division of Corporations

Summary

The evidence presented to your committee did not disclose any widespread or flagrant violations of the Personal Property Brokers' Act nor did it indicate any lack of proper and efficient enforcement of its regulatory provisions. There were, however, numerous changes in the laws relating to lending and credit transactions recommended to the committee. Also of great assistance to the committee was the report of the Attorney General which contained a summary of the conclusions reached by that office based upon an intensive six weeks investigation of the operation and administration of the Personal Property Brokers' Act.

These conclusions, although in large part unsupported by factual evidence, and in many cases at variance with the express provisions of the existing law and the interpretations thereof previously set forth in formal opinions of the Attorney General's office, nevertheless presented many suggestions for additional regulation by legislation, and revision of existing legislation, which were given due consideration by the committee.

Virtually all complaints of excessive charges which have been received by the Corporation Commissioner, legal aid societies, district attorneys, city prosecutors, newspapers, and by this committee, have, upon investigation, been found to involve conditional sales contracts, and not loans. The failure to distinguish between these two types of personal finance transactions, i.e., loans and conditional sales contracts calling for periodic payments over a period of time, has caused considerable confusion in the field of personal credit and finance.

This situation is aggravated by the fact that, except in the case of the sale of automobiles, there is at the present time no regulation of the charges which may be added to the sales price of merchandise for the privilege of purchasing such merchandise on a time payment agreement.

The periodic charges that California's small loan legislation has failed to accomplish its object of affording protection to necessitous borrowers can generally be directly attributed to the failure to distinguish between such transactions.

LOANS DISTINGUISHED FROM CONDITIONAL SALES

A transaction, to come within the provisions of the Personal Property Brokers' Act, must be a loan of money, and not a sale of property. A conditional sales contract is a contract to deliver title to personal property upon the payment of the purchase price, in accordance with the terms of the agreement. No license is presently required under state law in order to sell property under a conditional sales contract. Also, no license is required under the state law for an individual or company to engage in the business of purchasing conditional sales contracts from those selling the merchandise under such agreements.

There is no legal limitation on the amount of additional cost which may be charged to a purchaser for the privilege of buying personal property on time, except in the case of motor vehicles.* The Supreme Court of California has held that the owner of property has the right to name the price at which he is willing to sell, and may offer to sell at a designated price for cash, or at a higher price on credit, and a credit sale will not constitute usury, however great the difference between the two prices, unless the buying and selling constituted a mere pretense (*Verbeek v. Clymer*, 202 Cal. 557).

The owner of a conditional sales contract may sell it to a personal property broker, a bank, industrial loan company, or any other finance company at a discount. Generally the discount ranges from 4 to 6 percent of the balance owing on the contract, which includes the additional amount being paid for the privilege of buying on time.

There is no legal requirement that the owner of the contract return to the purchaser any portion of the difference between the cash purchase price and the contract or time-price, in the event the purchaser pays the balance due on the contract prior to maturity.

Thus in many of the cases brought to the attention of the committee the alleged exorbitant charges on the conditional sales transaction resulted from the fact that the balance due on the contract had been paid in advance of the time specified in the contract. Since the carrying charge on the principal had been computed on the total time allowed for payment in the contract, an earlier payment of the balance on the contract would result in a disproportionate charge for the actual time elapsed between the date of the contract and its payment in full.

There is also nothing in the law at the present time preventing the personal property broker, or other purchaser of such a contract, from "flipping" or changing that contract into a loan transaction providing the two transactions were bona fide, and were not made for the purpose of evading the Personal Property Brokers' Act (8 Ops. A.G. 157).

QUALIFICATION OF LICENSEES

Section 6 of the Personal Property Brokers' Act, prescribes the procedure for filing an application for a license. The application must be filed in writing under oath, on a form prescribed by the Corporation

* Civil Code Section 2981, and 2982, prescribes the form of a contract for the conditional sale of a motor vehicle, and limits the time price differential (the amount the buyer agrees to pay to the seller in excess of the unpaid balance) to 1 percent a month, times the number of months elapsing between the date of the contract and the due date of the last installment.

Commissioner which contains the name and address of the applicant; and if the applicant is a copartnership or association the names of every member thereof; and if the applicant is a corporation the names of each officer and director thereof. It is also required that the application set forth the county, municipality, and address where the business is to be conducted, and such further information as the commissioner may require. An application fee of \$100 is required for investigating the application, and an additional sum of \$200 as an annual license fee. A bond in the sum of \$1,000 is also required.

Section 8 of the act provides that if the commissioner finds the financial responsibility, experience, character and general fitness of the applicant or of its members, officers and directors are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly and efficiently within the purposes of the act, he shall issue a license to such applicant.

When an application is filed pursuant to the above provisions, a notification sheet listing the names submitted on the application is forwarded to the Bureau of Criminal Identification in the Attorney General's Office for clearance. An investigator in the Corporation Commissioner's Office is assigned to make personal inquiry concerning each named individual in his own community. This inquiry includes a review of the police files, the records of the sheriff's office, and of civil actions involving fraud, and interviews with businessmen in the community as to the individual's reputation. Where a name is returned by the Bureau of Criminal Identification as being the same as that of a person having been charged or convicted of a crime, the commissioner undertakes to determine whether the person named is the person charged or convicted as disclosed by the records of the Bureau of Criminal Identification. If he is the same person, further inquiry is then made to determine whether the facts are such that the commissioner should decline to grant the application or refuse to permit the person to engage in the loan business, whether as a licensee or a branch manager. It is the policy of the Corporation Commissioner to refuse any application of an individual who has been convicted of a crime reflecting upon his integrity or honesty.

Out of an estimated 1,200 names submitted to the Bureau of Criminal Identification for checking since December 1, 1948, only four have been identified as persons having a record involving a felony charge. All other names submitted have been reported by the Bureau of Criminal Identification as clear of any charge involving such a crime or the commissioner had determined on the basis of information received by him that the persons identified with the licensee were not the same persons as those reported by the bureau as being charged with such a crime. Of the four persons, three are presently licensed or employed by a licensee. Of these three, one has received a presidential pardon, another was permitted to change his plea to "not guilty" pursuant to Section 1203.4 of the Penal Code and thereupon the case was dismissed, and the third was permitted to be associated with a licensee after his case was informally discussed with a representative of the Attorney General's Office and upon his advice that the crime was not such as could be considered grounds for denial or revocation of a license.

In the course of the investigation conducted by the Attorney General's office, the names of licensees, or the members, directors and officers of licensees were checked against the criminal records of that office. Out of 126 names so investigated 15 were reported by the Attorney General to be felons or persons with criminal records. Further investigation of these cases by this committee disclosed that of the fifteen so reported, eight had previously been reported by the Bureau of Criminal Identification in the Attorney General's office as having no criminal record. Of the fifteen, only three were found to have a record involving a felony charge, which are referred to in the preceding paragraph. Of the remaining twelve cases: One was found to have been charged with the theft of an auto in 1919 when he was 19 years of age. He was released on habeas corpus there being no conviction in the matter. He has been engaged in business in this State since 1926 and the district attorney of the county of his residence recommends him as a man of the highest integrity and honor.

One was found to have been charged with negligent homicide. Since the crime did not reflect upon the individual's honesty or integrity no attempt was made to ascertain the disposition of the charge.

One was arrested on suspicion of impersonating an officer, prosecuted for drunkenness and fined \$10, and was later fined \$50 on a charge of being drunk in an auto.

One was arrested on a petty theft charge in 1930. Upon inquiry it was reported by the supervisors of the licensee that their employee was bonded, and was not the same person as the one charged. Upon further investigation it was found that the employee was the same person as the one arrested, the licensee was so notified, and the employee resigned.

One was reported with having been charged with battery. This individual has not applied for a renewal of his license for 1949 however.

One was charged with petty theft for taking two decks of playing cards while intoxicated. He was released without prosecution or conviction.

One was arrested on suspicion of burglary, but was released without prosecution or conviction.

One was arrested on suspicion of bookmaking, but was released without prosecution or conviction.

Two were reported by the Bureau of Criminal Identification in December 1948 and January 1949, respectively, as having no record of a conviction.

Two were found to be persons with similar names to licensees, but were not the same persons.

OPERATION OF OTHER BUSINESSES BY LICENSEES

Under the provisions of Section 16 of the act, no licensee is permitted to conduct the business of making loans under the act within any office, room, or place of business in which any other business is solicited or conducted except as may be authorized in writing by the commissioner upon his finding that the character of such other business is such that the granting of such authority would not facilitate evasions of the act.

Pursuant to this provision, it has been the practice of the Corporation Commissioner to approve any application to engage in a legitimate business which would not be inimicable to the interests of the borrowers.

The most common business enterprises engaged in by licensees under the act are insurance agencies and brokerages, mortgage businesses, and the purchasing of conditional sales contracts and other types of commercial paper. The licensee is expressly permitted to receive commissions as a licensed insurance broker or agent for insurance placed at standard rates (Paragraph 6, Section 20). Commissions thus received are not deemed to be charges in connection with any loan, and insurance so written is not deemed a collateral sale, purchase, or agreement when the policy is payable to the borrower or any member of his family, even though the customary mortgagee clause is attached or the license is a co-assured, provided that such insurance is sold at standard rates by a duly licensed insurance agent.

One instance was called to the attention of the committee where a licensee, as a condition to the granting of a loan, required the prospective borrower to join an automobile club. Although Paragraph 5, Section 20, of the act apparently prohibits collateral sales agreements or contracts, Paragraph 6 of that section provides that any profit or advantage obtained by a collateral sale shall be deemed to be charges for the purpose of regulation under the act. In the instance cited, loans were made by the licensee at a rate of .85 of 1 percent which, when added to any incidental profit from the collateral agreement, did not exceed the statutory rate of 2½ percent on the first \$100 and 2 percent on the balance up to \$300.

RATES AND LOAN LIMITATIONS

Under the present law, personal property brokers can lend any amount of money, and those loans in excess of \$5,000 are exempt from some of the restrictions of the act. The rates that licensees may charge, however, are limited only as to loans of \$300 or less. On loans of \$300 or less, they are permitted to charge 2½ percent per month on the unpaid principal balance of a loan not in excess of \$100, and 2 percent per month on any remainder of such unpaid principal balance up to \$300. Where the property securing the loan is insured against loss in favor of the licensee, however, the rate cannot exceed 2 percent per month on the unpaid principal balance of the entire loan up to \$300. There is no limitation on charges which a licensee may make for the loan of money in excess of \$300. Although some controversy on this question existed at the time of the hearings by this committee the recent decision of the Supreme Court of California in the case of *Carter vs. Seaboard Finance Co.*, 33 A. C. 541, has settled all doubt in the matter. The court holds that the Corporation Commissioner has no power to establish the rate of interest or charges on loans in excess of \$300 by administrative rule or regulation; and that until the Legislature exercises the power granted to it by the Constitution to regulate such charges there is no restriction on interest charges or charges on loans in excess of \$300.

It was not possible in the time available to the committee to analyze thoroughly the statistical data relating to the business transacted by

licensees under the Personal Property Brokers' Act. Some significant figures (submitted to the committee on behalf of the California Loan and Finance Association), based on a partially completed recapitulation of reports filed by licensees under the act for the one-year period ending September 30, 1948, which are pertinent to a consideration of loan, and rate limitations are set forth herein:

Out of 395,195 loans made (by 272 Licensees)

230,058	were in the amount of \$300 or less
77,609	were in amounts from \$301 to \$500
20,250	were in amounts from 501 to 600
21,809	were in amounts from 601 to 750
24,356	were in amounts from 750 to 1,000
20,823	were in amounts from 1,001 to 5,000
290	were in amounts from over 5,000

Of these loans 94.42 percent were made at interest rates of $2\frac{1}{2}$ percent on the first \$100 and 2 percent on amounts in excess of \$100, or at 2 percent for the entire loan.

The average loan size was.....	\$390.00
The average loan balance was.....	311.00
The average cost per month per loan.....	5.32
The average ratio of money borrowed by licensee to capital invested was.....	2 to 1
The percentage of profits (including interest cost on borrowed money) to net worth.....	10.91
The percentage of profit to total assets used and useful (including borrowed money).....	5.65

Estimated Effect of Change in Rates on Effective Charges and on Profits

Rates	first \$100	first \$100	first \$100
2½% per month.....	\$100.01-1,000	\$100.01-1,100	\$100.01-750
2 % per month.....	0	over \$1,000	over \$750
10 % per annum.....	over \$1,000	0	0
1 % per month.....			
	Amount per \$100 of average loan balance		
Effective charges per month.....	2.049%	2.034%	1.984%
Charges per year.....	24.588	24.408	23.808
Profit from operations.....	9.39	9.21	8.62
Interest paid.....	2.83	2.83	2.83
Income tax.....	2.41	2.35	2.13
Net profit per year.....	4.15	4.03	3.66

Rates	first \$100	first \$100	first \$100
2½% per month.....	\$100.01-600	\$100.01-500	\$100.01-300
2 % per month.....	over \$600	over \$500	over \$300
10% per annum.....	0	0	0
1% per month.....			
	Amount per \$100 of average loan balance		
Effective charges per month.....	1.931%	1.878%	1.700%
Effective charges per year.....	23.172	22.536	20.400
Profit from operations.....	8.00	7.38	5.28
Interest paid.....	2.83	2.83	2.83
Income tax.....	1.90	1.67	.90
Net profit per year.....	3.27	2.88	1.55

REGULATION OF LICENSEES

In addition to the thorough investigation of applicants for original and renewal licenses under the Personal Property Brokers' Act, each licensee is given an annual regulatory audit by the Corporation Commissioner. The personnel of the Division of Corporations does not permit a complete audit of all loan transactions negotiated by each licensee, and such audits are therefore limited to an examination of only a small portion of the total individual accounts, verification of the annual reports filed by the licensee, and examination for violations of the requirements of the Personal Property Brokers' Act.

The Division of Corporations has total personnel of 112 employees engaged in the administration of 12 separate acts, including the Corporate Securities Act, Industrial Loan Act, Personal Property Brokers' Act, California Small Loan Act, the Credit Union Act, the Check Sellers and Cashiers Act, and the Securityholders Protective Act. There are approximately ten deputies, auditors and investigators engaged full time in the administration of the Personal Property Brokers' Act. To check all loan transactions would require the full time services of approximately one hundred twenty-six individuals.

The charges on a loan are computed at the contract rate on the unpaid principal balance, for the actual number of days elapsed. Such a computation must be made with respect to each payment on each loan. It is inevitable that in the course of such a large number of detailed computations, numerous errors occur, which are evidenced by the regulatory audits made by the Corporation Commissioner's office. These errors result in overcharges and undercharges with almost equal frequency, and generally involve small amounts of a few cents.

Errors in the computation of charges in connection with a loan transaction which are found in the course of an examination are called to the attention of the licensee, and adjustments are required. Where evidence of an intentional violation of the act is disclosed a hearing is scheduled for the suspension or revocation of the license of the licensee. Between January 1, 1939, and December 31, 1948, such actions have resulted in the revocation of 123 licenses, and suspension of the licensee in 29 cases.

RECOMMENDATIONS

Your committee recommends:

1. That Chapters 952 and 953 of the Statutes of 1939 be repealed. These chapters enact a personal property brokers act and small loans act, respectively, which duplicate later acts enacted at the same session. The presence of two duplicate acts in the statutes causes confusion and serves no useful purpose.

2. That the Personal Property Brokers Act (Chapter 1044, Statutes 1939) be amended to require all owners, members of partnerships or associations, officers and directors of corporations, and managers of applicants for licenses to be fingerprinted.

3. That an adequate provision be placed in the Personal Property Brokers Act vesting the administrator with authority to take

custodial possession of books and records of a licensee for due cause, similar to such provision now contained in the Corporate Securities Act.

4. That Section 2982 of the Civil Code which limits the time price differential that may be charged in the conditional sale of an automobile, be amended to require a refund of any unearned portion of such charge in the event of a prepayment of the contract by the purchaser.

5. That the Personal Property Brokers Act be amended to provide a rate of charge (including interest, brokerage and all other charges) of 2½ percent per month on loans up to \$100 in amount; 2 percent per month on loans from \$100.01 to \$500; and 10 percent per annum from \$500.01 to \$5,000; and to provide that there is no rate limitation on loans in excess of \$5,000.

Respectfully submitted,

W. P. RICH, Chairman
NATHAN F. COOMBS
THOMAS F. KEATING
JONATHAN J. HOLLIBAUGH

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1949

Hon. Sam L. Collins

Speaker of the Assembly

Hon. Goodwin J. Knight

President of the Senate

Members of the Senate and Assembly

I concur in and endorse the majority report of the Joint Legislative Committee on Lending Transactions except with respect to the rate limitation on loans recommended therein.

It is my considered opinion that the act should provide for a maximum rate charge of 10 percent per annum on loan balances above \$300, to insure protection to borrowers. My analysis of the financial statements and reports submitted to this committee clearly indicate that such a limitation on rate charges would allow the lenders a fair and adequate return upon their investment.

It is also my opinion that the evidence presented to the committee indicates a need for a statutory provision to require a pro rata refund of the unearned portion of the difference between the cash price and the time price, which is charged on the sale of personal property under a conditional sales contract in the event of the prepayment of the contract. The reasons justifying such recommendation as to conditional sales of automobiles adopted in the majority report of the committee, in my opinion apply with equal force to the conditional sale of other types of personal property as well.

It is for the above reasons only that I have not signed the majority report of the committee, and herewith respectfully submit this minority report.

Respectfully submitted,

DONALD L. GRUNSKY, Member
Joint Legislative Committee on Lending Transactions

SENATE CHAMBER, SACRAMENTO, March 31, 1949

*Hon. Goodwin J. Knight**President of the Senate**Hon. Sam L. Collins**Speaker of the Assembly**Members of the Senate and Assembly*

As a member of the Joint Legislative Committee on Lending Transactions, I have signed and concur in the majority report filed by the committee. I believe, however, that an additional recommendation should be made to the Legislature.

The committee has recommended that the law relating to the conditional sale of automobiles be amended to require a refund of any unearned charges added to the sales price for the purchase under a conditional sales contract, in the event of payment of the contract prior to maturity.

I believe that the facts presented to the committee during the course of its hearings substantiate the need for similar legislation which would be applicable to the conditional sale of other types of personal property as well as to automobiles. I therefore recommend that such legislative action be taken.

Respectfully submitted,

THOMAS F. KEATING, Member

Joint Legislative Committee on Lending Transactions

ASSEMBLY, CALIFORNIA LEGISLATURE, March 31, 1949

*Hon. William P. Rich, Chairman**Joint Legislative Committee on Lending Transactions**State Capitol, Sacramento, California*

DEAR SENATOR: In accordance with our agreement at the last meeting of the committee, I have signed the majority report and concur with the majority of the committee. However, I would like to point out that it is my opinion that the committee should have made no recommendations regarding the rates and ceilings on loans, as I feel that this matter should be decided by the Members of the Legislature, as a whole, after receiving all the information and statistics accumulated by the committee.

Would you please attach this letter to the report when you file it with the Legislature?

With best regards, I remain,

Sincerely yours,

JONATHAN J. HOLLIBAUGH

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 1, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 47

Senate Bill No. 824

Senate Bill No. 259

Senate Bill No. 970

Senate Bill No. 323

Senate Bill No. 971

Senate Bill No. 458

Senate Bill No. 976

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 1, 1949

MR. PRESIDENT: The Committee on Rules has examined:
Senate Bill No. 371
Senate Bill No. 855

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 926

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 29, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which were referred:
Senate Bill No. 558
Senate Bill No. 699

Has the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

HATFIELD, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 11.30 a.m., on motion of Senator Powers, the President declared the Senate adjourned until 2 p.m., Monday, April 4, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FORTY-SECOND LEGISLATIVE DAY

NINETY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, April 4, 1949

The Senate met at 2 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Watson, Weybret, and Williams—34.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Dorsey, on motion of Senator Powers, due to illness.

Senator Coombs, on motion of Senator Powers, due to legislative business.

Senator Tenney, on motion of Senator Powers, due to legislative business.

Senator Breed, on motion of Senator Powers, due to legislative business.

Senator Brown, on motion of Senator Powers, due to legislative business.

Senator Ward, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. R. E. Alderman, Herbert W. Richards, M. Lasky, C. Dorence Jones, Paul Bogisich, Mrs. M. Donald Whyte and Mrs. Frances Tait of San Francisco, members of California League of Women Voters.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Calvin Collins of Santa Rosa and Walter E. Olson of Petaluma.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Joy Palmerlee of Inglewood, daughter of Senator Drobish.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jean Chalmers of San Luis Obispo.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Edwin Davin of San Diego.

On request of Senators McBride and Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Oscar de Reschke, Principal, William L. Pierce and Charles R. Reynolds, Teachers, and the following Eighth Grade students of the Franklin School in Santa Clara County: Noemi Baiza, Joyce Becker, Jackie Bertlow, Nancy Brewer, Mary Bruno, Dora Caballero, Ruth Caruso, Sammy Castro, James Davis, Pauline Deck, Clifford Eppard, Joan Ereno, Joe Escamilla, Pansy Evans, Hortencia Gallegos, Esther Gusman, Vera Gutierrez, Willie Hannah, Pete Harnett, Arthur Hillis, Jack Johnston, Myrna Kimm, Leroy King, Charles Kinkey, Richard Madson, Mickey Manning, Beatrice Martinez, Henry Mattos, Junior McDonald, Carl McKinney, John McLaughlin, Eileen Mello, Richard Mitchell, Tony Mollica, Shirley Newman, Virginia Nimmo, George Okashima, Erlinda Palacios, Manuel Palacios, Victor Palacios, Norman Papson, Jimmy Parks, Irma Perez, Ofelia Perez, Sally Perez, Marie Phillips, Jacob Pickett, Shirley Powell, Voyd Ryan, Dolores Sanfilippo, Robert Sears, Frank Silva, Rosamond Snee, Gerrie Smith, Venora Smith, Virginia Stephens, Edward Stevenson, James Stone, Gerry Tavis, Johnny Thielmann, Joe Torres, Gene Veraguth, Lois Wagner, William Walsh, Dale Woodall, Charles Ybarra, and James Ybarra.

COMMUNICATIONS

The following communication was received and read and ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS
SACRAMENTO, March 31, 1949

*Mr. Joseph A. Beek, Secretary, The State Senate
State Capitol, Sacramento, California*

DEAR MR. BEEK: This will acknowledge receipt of your letter, dated March 30, 1949, transmitting a copy of Senate Resolution No. 77, by Senator Hatfield, relative to a request that this department investigate and report to the Senate on or before May 1, 1949, regarding budgets submitted and reports filed by counties, and payments made to counties, as of January 1, 1949, pursuant to Chapter 565, Statutes of 1943.

This matter is being given immediate attention looking toward submission of the report on or before May 1, 1949.

Yours very truly,

C. H. PURCELL, Director of Public Works

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 36

Assembly Bill No. 621

Assembly Bill No. 628

Assembly Bill No. 1456

Assembly Bill No. 1662

Assembly Bill No. 2399

Assembly Bill No. 2841

Assembly Bill No. 3114

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 28

Assembly Constitutional Amendment No. 76

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 36—An act to amend Section 595 of the Vehicle Code, relating to unattended motor vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 621—An act to amend Sections 552, 553, and 554 of the Vehicle Code, relating to pedestrians and the operation of vehicles on highways.

Referred to Committee on Transportation.

Assembly Bill No. 628—An act to amend Section 600 of the Vehicle Code, relating to throwing lighted substance from or upon a highway.

Referred to Committee on Transportation.

Assembly Bill No. 1456—An act to add Section 1513.2 to, and to amend Section 3812 of, the Elections Code, relating to measures submitted to the voters of the State.

Referred to Committee on Elections.

Assembly Bill No. 1662—An act to amend Sections 6852, 6855, 6857, 6861, 6862, 6864, 6865, 6866, 6876, 6877, 6878, 6880, 6885, 6889, 6890, 6895, 6897, 6898, 6902, 6906, 6907, 6908, 6909, 6910, 6911, 6912, 6913, 6914, 6915, 6916, 6922, 6923, 6925, 6926, 6930, 6950, and to add Sections 6858, 6931, 6947, 6948, and to renumber Sections 6939 and 6940 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2399—An act to amend Section 28133 of the Government Code and Section 737ee of the Political Code, relating to compensation for public services in counties of the thirty-third class.

Referred to Committee on Local Government.

Assembly Bill No. 2841—An act to add Section 11f to the Municipal Court Act of 1925, relative to municipal courts and attaches thereof, to take effect immediately.

Referred to Committee on Judiciary.

Assembly Bill No. 3114—An act to amend Section 5 of, and to add Section 24.5 to, the Construction and Employment Act, relating to the construction of sewage projects pursuant to said act, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 14a to Article XIII of said Constitution, relating to assessment of the possessory interest of veterans in real estate of the Veterans Welfare Board.

Referred to Committee on Military and Veterans Affairs.

Assembly Constitutional Amendment No. 76—A resolution to propose to the people of the State of California an amendment to Section 23 of Article IV of the Constitution of the State of California, relating to compensation of the Members of the Legislature.

Referred to Committee on Governmental Efficiency.

Chief Assistant Secretary Cleve V. Taylor at the Desk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 4, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 412

Senate Bill No. 727

Senate Bill No. 418

Senate Bill No. 1042

Senate Bill No. 726

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 4, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 850

Senate Bill No. 1013

And reports the same correctly re-engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 1, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 18

Senate Bill No. 565

Senate Bill No. 19

Senate Bill No. 624

Senate Bill No. 98

Senate Bill No. 728

Senate Bill No. 413

Senate Bill No. 729

Senate Bill No. 414

Senate Bill No. 858

Senate Bill No. 417

Senate Bill No. 1215

Senate Bill No. 420

Senate Bill No. 1248

Senate Bill No. 459

Senate Bill No. 1278

Senate Bill No. 460

Senate Constitutional Amendment No. 29

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 1, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 92—An act to amend Section 25601 of the Government Code, relating to wild flowers;

Senate Bill No. 167—An act to provide for reversion of unexpended balance in the Vocational Rehabilitation Fund;

And reports that the same have been correctly enrolled, and presented to the Governor on the first day of April, 1949, at 12 m.

POWERS, Chairman

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 1, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 603

Senate Bill No. 432

Assembly Bill No. 111

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 90

Senate Bill No. 701

Senate Bill No. 1402

Senate Bill No. 894

Senate Bill No. 398

Assembly Bill No. 260

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 320

Senate Bill No. 694

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: The Committee on Labor, to which were referred:

Senate Bill No. 265

Senate Bill No. 266

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 7; committee vote: Ayes 7.

JUDAH, Chairman

Above reported bills ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 4, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 1080

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

SUTTON, Chairman

Above reported bill ordered to second reading.

Letter of Transmittal

SENATE CHAMBER, STATE CAPITOL, SACRAMENTO, April 4, 1949

Hon. Goodwin J. Knight, President of the Senate

Senate Chamber, State Capitol
Sacramento, California

MR. PRESIDENT: Your Senate Investigating Committee on Education was created by Senate Resolution No. 71 and continued by Senate Resolution No. 114, of the 1947 Regular Session of the Legislature, and the following members were appointed to serve thereon:

Nelson S. Dilworth, Chairman	-----Thirty-seventh District
Hugh P. Donnelly	-----Twenty-second District
Chris N. Jespersen	-----Twenty-ninth District
Fred Weybret	-----Twenty-fifth District
J. Howard Williams	-----Thirty-second District

Following the establishment of the Senate Investigating Committee on Education in 1947, the committee conferred with Dr. John C. Almack and solicited his services to make a professional study of the legal and technical foundation of the educational institutions of this State, together with a review of the current operation of the Public School System.

Dr. Almack refused any compensation of any kind and took a leave of absence from his position as professor at Stanford University for four months to make the required research and study. The committee is greatly indebted to Dr. Almack for his very scholarly and thorough presentation submitted herewith. He has assembled and collated a unique factual presentation of the present problems faced by the State in the educational field with a well selected group of comments by distinguished authorities. Along with all this, he has given us the benefit of his own considered comment and recommendations, the fruit of a lifetime of effective and courageous service to the advancement of education.

Dr. John C. Almack holds the following degrees: B.A. and M.A., University of Oregon; Ph.D., Stanford University. He is the author of "Education for Citizenship," "Research and Thesis Writing," "The School Board Member," "Modern School Administration," "Hygiene of the School Child" (with L. M. Terman), "Problems of the Teaching Profession" (with A. R. Lang), "The Beginning Teacher" (with A. R. Lang), "History of the United States" (with E. D. Adams), also three books directed against narcotics, three books on life guidance, and others. He collaborated in the preparation of the Stanford Spelling Series and the American Health Series. He has made and participated in many school surveys.

Dr. Almack has served for 10 years (1935-1945) on the Board of Education, Palo Alto Schools. He has been at Stanford since 1921.

This partial report consists of two main parts. The first presents a view of the educational task of the State; the second deals with ways and means of meeting educational needs in the common schools. In particular, emphasis is given to school organization, the legal basis of education, school expenditures, and to the position of the State in educational progress.

Data was obtained chiefly from the Office of the State Superintendent of Public Instruction, specifically through the assistance of the Division of Research and Statistics; and from the office of county superintendent of schools in the various counties. Financial statistics of districts were contributed by certain county auditors. Materials on attendance and measurement of achievement were collected from district superintendents. Laws governing adoption of textbooks were obtained from the State Department of Education.

The committee herewith expresses its thanks and appreciation to all who gave their time and efforts to cooperate in the inquiry. A further report by the committee on other phases of education will be submitted in a few days.

Respectfully submitted,

NELSON, S. DILWORTH, Chairman
HUGH P. DONNELLY
FRED WEYBRET
CHRIS N. JESPERSEN
J. HOWARD WILLIAMS

Letter of Transmittal ordered printed in the Journal and the partial report ordered printed in the Appendix to the Journal.

Request for Unanimous Consent

Senator Dilworth asked for, and was granted, unanimous consent to have 1,000 copies of the partial report of the Senate Investigating Committee on Education printed for distribution.

MOTION TO APPROVE JOURNALS

Senator Powers moved that the Journals for Monday, March 28, 1949; Tuesday, March 29, 1949; Wednesday, March 30, 1949; Thursday, March 31, 1949; Friday, April 1, 1949, be approved as corrected by the Minute Clerk and the Journal Clerk.

Motion carried.

CONSIDERATION OF DAILY FILE

MOTIONS TO RECONSIDER

Assembly Joint Resolution No. 26—Relative to the participation of the United States in a world federal government.

Postponement of Motion to Reconsider

Senator Donnelly moved that his motion to reconsider the vote whereby Assembly Joint Resolution No. 26 was adopted be continued to the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Watson, Weybret, and Williams—30.

NOES—None.

SECOND READING OF SENATE BILLS

Senate Bill No. 87—An act to amend Section 9359.8 of, and to add Sections 9359.85, 9360.2, 9360.3, 9360.4, 9360.5, and 9360.6 to, the Government Code, relating to retirement of, and allowances to, members of the Legislators' Retirement System.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "earned by the deceased", and insert "of a legislator".

Amendment No. 2

On page 1, line 11, of said bill, after "such", insert "annual".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 594—An act to establish a commission on organization of the executive department of the State Government, prescribing its duties and functions, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 23, of the printed bill, strike out "16", and insert "12".

Amendment No. 2

On page 1 of said bill, strike out lines 25 and 26, and on page 2, strike out lines 1 and 2.

Amendment No. 3

On page 2 of said bill, strike out line 3, and in line 4 strike out "of the Senate and two", and insert

"(a) Eight legislative members, consisting of four members of the Senate and four".

Amendment No. 4

On page 2, line 6, of said bill, strike out "(c) Eight", and insert
"(b) Four".

Amendment No. 5

On page 2 of said bill, strike out lines 18 and 19, and insert

"SEC. 5. The commission shall select a chairman and vice chairman from its membership."

Amendment No. 6

On page 2, line 20, of said bill, strike out "Nine", and insert "Seven".

Amendment No. 7

On page 2 of said bill, strike out lines 28 to 37, inclusive, and insert

"SEC. 8. The members at large shall receive no compensation but shall be reimbursed for their necessary expenses incurred in the performance of their duties as members of the commission."

Amendment No. 8

On page 2, line 38, of said bill, strike out "10", and insert "9".

Amendment No. 9

On page 2, line 41, of said bill, strike out "11", and insert "10".

Amendment No. 10

On page 2, line 47, of said bill, strike out "12", and insert "11".

Amendment No. 11

On page 3, line 3, of said bill, strike out "13", and insert "12".

Amendment No. 12

On page 3, line 12, of said bill, strike out "14", and insert "13".

Amendment No. 13

On page 3, line 17, of said bill, strike out "15", and insert "14".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1301—An act to amend Section 87 of the Agricultural Code, relating to district agricultural associations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 87 of", and insert "Sections 86, 87, and 96 of, and to add Section 97 to,".

Amendment No. 2

In line 2 of the title of said bill, after "to", insert "the use of property for fair purposes by counties and".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 86 of the Agricultural Code is amended to read:

86. Each district agricultural association is a state institution. Each association by its name has perpetual succession, may have a seal, be sued and, with the approval of the Department of Finance, may:

(a) Contract, and sue.

(b) Purchase, acquire, hold, sell, exchange or convey any interest in real or personal property and beautify or improve such property.

(c) Lease, let or grant licenses for the use of its real estate or personal property or any portion thereof [for any agricultural, horticultural, viticultural or livestock fairs or expositions, rodeos, riding club activities, floral displays, exhibitions of industries and industrial products, or federal or state armories; to school organizations or associations thereof for the purpose of conducting athletic events participated in by such schools or associations; or to civic, patriotic, benevolent, or fraternal corporations or associations, for the purpose of holding conventions, assemblies, or public meetings on subjects of public or community interest; or for the sale of tangible personal property, or for concessions and services incidental to any of such purposes; or to nonprofit athletic organizations for athletic activities or to municipal corporations for use or re-letting for any or all of the foregoing purposes] *to private individuals or associations for whatever purpose may be approved by the board of directors and the Department of Finance.*

(d) Use or manage its real estate or personal property or any part thereof for any or all of the foregoing purposes jointly with any lessee, sublessee or licensee, or otherwise use or manage said property in connection with such lease, sublease or license heretofore or hereinafter made or granted.

(e) Lease or let its real property for public park, recreational, or playground purposes.

(f) Rent or permit the use of its premises for the holding of sales or auctions of cattle or other livestock, or for other purposes beneficial to the agricultural industry.

(g) Contract with any county or county fair association for holding a fair jointly with the same. Such joint fair shall constitute a district fair of the association.

(h) Do any and all things necessary to carry out the above powers and the objects and purposes for which the association is formed.

SEC. 2. Section 87 of said code is".

Amendment No. 4

On page 1 of said bill, after line 23, insert

"SEC. 3. Section 96 of said code is amended to read:

96. The board of supervisors of any county owning [county fairgrounds and fairground facilities, or] any public park shall have authority: (a) to lease, let or grant licenses for the use of its real estate or personal property or any portion thereof for any agricultural, horticultural, viticultural or livestock fairs or expositions, rodeos, floral displays, dog and cat shows, exhibition of industries and industrial products or federal or state armories; to school organizations or associations thereof for the purpose of conducting athletic events participated in by such schools or associations or to civic, patriotic, benevolent, or fraternal corporations or associations, for the purpose of holding conventions, assemblies or public meetings on subjects of public or community interest; or for the sale of tangible personal property, or for concessions and services incidental to any of such purposes; or to nonprofit athletic organizations for athletic activities or to nonprofit fair associations or to nonprofit agricultural associations or to municipal corporations for use or reletting for any or all of the foregoing purposes; (b) to rent or permit the use of its premises for the holding of sales or auctions of cattle or other livestock or for other purposes beneficial to the agricultural industry.

SEC. 4. Section 97 is added to said code, to read:

97. The board of supervisors of any county owning fairgrounds and fairground facilities may (a) lease, let, or grant licenses for the use of its real estate or personal property or any portion thereof to private individuals or associations for whatever purpose may be approved by said board, which will not interfere with the use of such property for fair purposes; and (b) arrange for and conduct or cause or by contract permit to be conducted by any other individual, institution, corporation or association,

upon such property at such time as it may deem advisable, any activity which will not interfere with the use of such property for fair purposes."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 558—An act to add Section 16.5 to the Fish and Game Code, relating to the taking of deer in game refuges.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

In lines 3 and 4 of the printed bill, strike out "in District 1 $\frac{1}{2}$ ".

Amendment No. 2

In line 4 of said bill, strike out "district", and insert "area".

Amendment No. 3

In line 7 of said bill, strike out "District 1 $\frac{1}{2}$.", and insert "any county affected by such order".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

Senate Bill No. 699—An act to add Section 16.4 to the Fish and Game Code, relating to the taking of female deer.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1 of the printed bill, strike out line 4, and insert "deer in any area, it shall hold in that area a public hear-".

Amendment No. 2

On page 1, line 7, of said bill, strike out "that same district.", and insert "any county affected by such order".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 926—An act to provide for the transfer of the Napa State Farm to the Department of Mental Hygiene and the vesting of control and disposition of the water rights of the Napa State Farm in the Department of Finance, amending Section 154 of, and adding Division 8 to, the Welfare and Institutions Code and repealing Article 5 of Chapter 2, Part 3, Division 3, Title 2 of the Government Code, all relating to the Napa State Farm, and to repeal "An act to provide for the control of certain property of the State in Napa County by the Fish and Game Commission," approved May 27, 1943.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 3 of the amended bill, strike out all of lines 28 to 50, inclusive.

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Motion to Retain Place on File

Senator Powers moved that all Senator Breed's bills on third reading file be passed on file and retain their place on file.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill No. 248—An act to amend Section 4151 of the Public Resources Code, relating to camp fire permits.

Bill read third time.

Motion to Amend

Senator Regan moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "Section 4151 of the Public Resources Code, relating to camp fire permits", and insert "Sections 4151 and 4159 of the Public Resources Code, relating to permits for the setting of fire".

Amendment No. 2

On page 1, line 6, of said bill, strike out ", or light, maintain, or use a camp fire upon".

Amendment No. 3

On page 1 of said bill, strike out line 7, and in line 8, strike out "another".

Amendment No. 4

On page 1, line 10, of said bill, strike out "lessee or agent thereof".

Amendment No. 5

On page 1, line 11, of said bill, strike out "Where camp sites and".

Amendment No. 6

On page 1 of said bill, strike out lines 12 to 17, inclusive.

Amendment No. 7

On page 1 of said bill, after line 17, insert

"SEC. 2. Section 4159 of said code is amended to read:

4159. (a) No person shall leave a camp fire, kindled or attended by him, burning or unextinguished unless he leaves some person in attendance thereat, or unless such fire is enclosed within a stove, oven, drum, or other nonflammable container, in such manner that the fire cannot escape from the container, or unless such fire is within a permanent dwelling regularly and permanently inhabited by human beings at the time thereof, and no person shall allow a camp fire, kindled or attended by him, to spread after being built.

(b) No person shall light, maintain or use a camp fire upon any brush, grass or forest-covered land which is the property of another without first obtaining a written permit from the owner, lessee or agent thereof. Where camp sites and special areas have been established by the property owner and posted as areas for camping, no permit shall be necessary.

A written camp fire permit duly issued by or under the authority of the United States Forest Service shall be necessary for use on land under the jurisdiction and control of the United States Forest Service."

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 1013—An act to add Section 7057 to the Revenue and Taxation Code, relating to registration of employers under the California Unemployment Insurance Act by officers and employees of the Board of Equalization.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Prohish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 323—An act to suspend the operation of Section 1065 of the Fish and Game Code, and to add Section 1065a to the Fish and Game Code, relating to the taking and use of sardines.

Bill read third time.

Motion to Amend

Senator Watson moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended in Senate, March 17, 1949, after "Sec. 2," insert "Section 1065a is added to the Fish and Game Code, to read:".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 80—An act to amend Section 810 of the Agricultural Code, relating to artichoke standards.

Bill read third time.

Motion to Amend

Senator Weybret moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 810", and insert "Sections 810, 828.35, and 829.25".

Amendment No. 2

On page 1, lines 6, 7, 8, and 9, of said bill, strike out "unless the heart of the artichoke is discolored due to this cause", and insert "provided the stem discoloration due to freezing does not extend above the base of the artichoke".

Amendment No. 3

On page 1, line 25, after "21", insert "21A."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 4

On page 1, after line 25, of said bill, insert

"In the case of container number 21A, if any marking intended to describe the container is placed upon such container, the designation used shall contain the term "special."

SEC. 2. Section 828.35 of said code is amended to read:

828.35.	21	Standard artichoke box	9 1/2	11	20 1/2
	21A	Special artichoke box	7	11	20 1/2
	22	Half artichoke box	4 1/2	11	20 1/2

SEC. 3. Section 829.25 of said code is amended to read:

829.25. 12. Globe artichokes, numbers 21, 21A or 22. Globe artichokes when packed as a standard pack in all standard containers shall be tightly packed and when

in standard containers numbers 21 or 22 with a bulge ; and when in standard container number 21 shall have a minimum net weight of 35 pounds [to the standard container number 21]. The following sizes may be put up as standard packs in the standard container number 21 :

Size 1. Packed with not more than sixty artichokes.

Size 2. More than sixty but not more than seventy-five artichokes.

Size 3. More than seventy-five but not more than ninety-six artichokes.

Size 4. More than ninety-six but not more than one hundred twenty-five artichokes.

Size 5. Shall constitute a standard pack in the standard container number 22 and shall pack not more than one hundred twenty-five artichokes in this container."

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 259—An act to amend Section 2010 of the Streets and Highways Code, relating to mileage allowances for supervisors' official road duties.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 349—An act to amend Section 25305 of the Government Code, relating to county-owned automobiles.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Sutton, Swing, Watson, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 459—An act to add Section 1755.5 to the Welfare and Institutions Code, relating to the placement of persons under the jurisdiction of the Youth Authority in certain institutions under the jurisdiction of the Department of Corrections for study, diagnosis, and treatment, authorizing the Director of Corrections to receive and keep such persons therein, and providing for the status and rights of persons so placed.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 460—An act to add Article 10, comprising Sections 1250 to 1257, inclusive, to Chapter 3 of Part 1 of Division 2 of the Welfare and Institutions Code, providing for the establishment of the

California Youth Training School and the commitment and transfer of youthful offenders thereto and therefrom, declaring escape or attempted escape therefrom a crime.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1215—An act to amend Section 19611 of the Education Code, relating to child care centers.

Motion to Refer Bill to Inactive File

Senator Dillinger moved that Senate Bill No. 1215 be placed on the inactive file.

Motion carried.

Senate Bill No. 1042—An act to amend Section 690.24 of the Code of Civil Procedure, relating to property exempt from execution of judgment in civil actions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 420—An act to amend Section 2082 of the Penal Code, relating to the distribution of identification data concerning prisoners to identification bureaus.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1248—An act to amend Sections 11501 and 11519 of the Government Code, relating to administrative adjudication.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, at the beginning of line 25, insert "Division of Registration,".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 418—An act to amend Sections 5077 and 5079 of the Penal Code, relating to the state correctional system.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Sutton, Swing, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 417—An act to repeal Chapter 5.5 consisting of Sections 6035, 6036, and 6037, of Title 7 of Part 3 of the Penal Code and to amend Section 6025 of the Penal Code and to add Sections 6025.1 and 6025.2 to the Penal Code, relating to the state correctional system.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Michael J. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Parkman, Powers, Regan, Rich, Sutton, Watson, Weybret, and Williams—23.

NOES—Senators Desmond, Hatfield, Hulse, Judah, O'Gara, and Swing—6.

Bill ordered transmitted to the Assembly.

Senate Bill No. 565—An act to add Section 5004 to the Penal Code, relating to agreements for mutual police aid.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Rich, Sutton, Swing, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 413—An act to amend Section 3049 of the Penal Code, relating to minimum imprisonment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Sutton, Swing, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 414—An act to add Section 2900.1 to the Penal Code, relating to term of imprisonment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Hugh M. Burns, Michael J. Burns, Collier, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Regan, Rich, Sutton, Swing, Watson, Weybret, and Williams—27.

NOES—Senator Abshire—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 412—An act to amend Section 5075 and to add Sections 5076.1 and 5076.2 to the Penal Code, relating to the Adult Authority.

Bill read third time.

Motion to Re-refer Senate Bill No. 412

Senator Rich moved that Senate Bill No. 412 be re-referred to Committee on Finance.

Motion carried.

Senate Bill No. 624—An act to amend Section 65 of the Labor Code, relating to conciliation and arbitration of labor disputes.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Abshire, Michael J. Burns, Crittenden, Dillinger, Donnelly, Drobish, Gibson, Jespersen, Johnson, Judah, Powers, Regan, and Sutton—13.

NOES—Senators Hugh M. Burns, Collier, Cunningham, Desmond, Dilworth, Hatfield, Hulse, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Rich, Swing, Watson, Weybret, and Williams—19.

MOTIONS TO RECONSIDER

Senator Dillinger moved to reconsider the vote whereby Senate Bill No. 624 was refused passage.

Postponement of Reconsideration

On motion of Senator Dillinger, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 624 was refused passage, was continued until the next legislative day.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 603—An act to amend Section 576 of the Vehicle Code, relating to vehicles which must stop at crossings.

Bill read third time, and presented by Senator Collier.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 22—Relative to reimbursing counties for the loss of revenue caused by federal ownership of lands within the counties.

Resolution read, and presented by Senator Regan.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Watson, Weybret, and Williams—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 309—An act to amend Section 790 and to add Section 803.5 to the Agricultural Code, relating to nectarines, prescribing standards of quality and regulating the packing thereof, declaring the emergency of this act, to take effect immediately.

Motion to Refer Bill to Inactive File

Senator Hugh M. Burns moved that Assembly Bill No. 309 be placed on the inactive file.

Motion carried.

Assembly Joint Resolution No. 17—Relative to memorializing Congress concerning minimum wage legislation.

Resolution read, and presented by Senator Miller.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, and Weybret—25.

NOES—Senators Abshire, Hatfield, Hulse, Rich, Watson, and Williams—6.

Resolution ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Assembly Bill No. 40—An act to amend Sections 1500, 1501, and 1503 of the Welfare and Institutions Code, relating to needy children.

Motion to Re-refer Assembly Bill No. 40

Senator Rich moved that Assembly Bill No. 40 be re-referred to Committee on Finance.

Roll Call Demanded

Senators Dilworth, O'Gara, and Kraft demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Powers, Rich, Salsman, Swing, Watson, Weybret, and Williams—23.

NOES—Senators Michael J. Burns, Dilworth, Donnelly, Kraft, Miller, and O'Gara—6.

President Pro Tempore of the Senate Presiding

At 4.10 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 21 of Article V thereof, relating to the Attorney General.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Abshire, Michael J. Burns, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Mayo, McBride, Powers, Rich, Weybret, and Williams—19.

NOES—Senators Busch, Desmond, Dilworth, Drobish, Judah, Kraft, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, and Watson—14.

MOTIONS TO RECONSIDER

Senator Keating moved to reconsider the vote whereby Senate Constitutional Amendment No. 29 refused adoption.

Postponement of Reconsideration

On motion of Senator Keating, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 29 refused adoption, was continued until the next legislative day.

Senator Mayo Presiding

At 4.16 p.m., Senator Jesse M. Mayo of the Twenty-sixth District, presiding.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 41: By Senators O'Gara and Miller—Relative to the observance of Army Day.

Request for Unanimous Consent

Senator O'Gara asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 41, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 41

Senate Concurrent Resolution No. 41—Relative to the observance of Army Day.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Dillinger, Delworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rick, Salsman, Sutton, Swing, Watson, Weybraet, and Williams—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO REFER APPROPRIATION BILLS TO FINANCE COMMITTEE

Senator Hatfield moved that it be the policy of the Senate that all bills carrying an appropriation, whether implied or otherwise, or requiring the expenditure of additional state moneys, be referred to the Committee on Finance and that the Committee on Rules be instructed to amend the rules to the effect that all appropriation bills be referred to the Committee on Finance.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 134

Senator Jespersen moved that Senate Bill No. 134 be withdrawn from Committee on Education for purpose of amendment, and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 134—An act to amend Section 16484 of the Education Code, relating to school health reports.

Bill read second time.

Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 6, of the printed bill, after "cure", insert "or correct".

Amendment No. 2

On page 1, line 6, of said bill, strike out "In making such report it"; and strike out all of lines 7 to 10, inclusive, and insert "Such report must be made on a form prescribed by the Superintendent of Public Instruction and shall not include therein any recommendation suggesting or directing the pupil to a designated individual or class of practitioner for the purpose of curing or correcting any defect referred to in the report."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolutions were offered:

Senate Concurrent Resolution No. 42: By Senator Hatfield—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, Members of the Board of Equalization, and the Members of the Senate and Assembly.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 43: By Senators Powers, Keating, Salsman, and Rich—Relative to honoring the memory of Caroline Hall Breed.

Request for Unanimous Consent

Senator Powers asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 43, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 43

Senate Concurrent Resolution No. 43—Relative to honoring the memory of Caroline Hall Breed.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Watson, Weybret, and Williams—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Constitutional Amendment No. 30: By Senator Mayo—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 19 of Article IV thereof, relating to the holding of other trust or employment by Senators and Members of the Assembly.

Referred to Committee on Rules.

Chief Assistant Secretary Cleve V. Taylor at the Desk

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 19
Assembly Bill No. 35
Assembly Bill No. 54
Assembly Bill No. 185
Assembly Bill No. 187
Assembly Bill No. 209
Assembly Bill No. 258
Assembly Bill No. 323
Assembly Bill No. 330
Assembly Bill No. 384
Assembly Bill No. 389
Assembly Bill No. 424
Assembly Bill No. 429
Assembly Bill No. 430
Assembly Bill No. 630
Assembly Bill No. 656
Assembly Bill No. 658
Assembly Bill No. 992

Assembly Bill No. 1023
Assembly Bill No. 1024
Assembly Bill No. 1031
Assembly Bill No. 1033
Assembly Bill No. 1103
Assembly Bill No. 1111
Assembly Bill No. 1353
Assembly Bill No. 1357
Assembly Bill No. 1541
Assembly Bill No. 1749
Assembly Bill No. 1942
Assembly Bill No. 2076
Assembly Bill No. 2295
Assembly Bill No. 2423
Assembly Bill No. 2647
Assembly Bill No. 3098
Assembly Bill No. 3107

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 19—An act to amend Section 7137 of the Business and Professions Code, relating to contractors' licenses.

Referred to Committee on Business and Professions.

Assembly Bill No. 35—An act to add Section 987.11 to the Military and Veterans Code, relating to veterans' farm and home purchases.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 54—An act to amend Section 1 of, and to add Section 13.5 to, an act entitled "An act to regulate the caravanning of vehicles upon the public highways of this State, defining the term 'caravanning' and providing for the licensing of vehicles in caravan for the privilege of using the public highways and for the cost of regulating persons engaged in caravanning and providing such fees shall be a lien and for the enforcement of such liens and the collection and disposition of such fees and imposing penalties for violation thereof, and to repeal an act entitled 'An act to regulate the caravanning of motor vehicles upon the public highways of this State, defining the term "caravanning" and providing for the licensing of motor vehicles in caravan and imposing

penalties for violation thereof,' approved July 6, 1935, declaring the urgency thereof, and providing that it shall take effect immediately," approved July 1, 1937, relating to the caravaning of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 185—An act to amend Section 5801 of the Labor Code, relating to attorney's fees under the Workmen's Compensation Act.

Referred to Committee on Labor.

Assembly Bill No. 187—An act to amend Section 3856 of the Labor Code, dealing with workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 209—An act to amend Sections 70 and 73 of the Civil Code, relating to solemnizing marriage.

Referred to Committee on Judiciary.

Assembly Bill No. 258—An act to amend Section 4701 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 323—An act to amend Section 41.5 of the California Unemployment Insurance Act, relating to transfer of employers' reserve accounts.

Referred to Committee on Social Welfare.

Assembly Bill No. 330—An act to add Section 729 to the Welfare and Institutions Code, relating to the detention of minors by peace officers and probation officers when such detention is necessary for the health and welfare of such minors.

Referred to Committee on Social Welfare.

Assembly Bill No. 384—An act amending Section 58 of the Unemployment Insurance Act, relating to disqualification for benefits.

Referred to Committee on Social Welfare.

Assembly Bill No. 389—An act to add Section 6357.1 to the Revenue and Taxation Code, relating to the exemption of fuel subject to the use fuel tax from the sales tax, and providing this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 424—An act to amend Section 4702 of the Labor Code, relating to death benefits.

Referred to Committee on Labor.

Assembly Bill No. 429—An act to add Section 3370 to the Civil Code, relating to injunctive relief in connection with an act of unfair competition as defined in the Unfair Practices Act.

Referred to Committee on Judiciary.

Assembly Bill No. 430—An act to add Section 17087 to the Business and Professions Code, relating to power of Attorney General and district attorneys, or any of them, to file injunction actions in enforcement of the Unfair Practices Act.

Referred to Committee on Judiciary.

Assembly Bill No. 630—An act to amend Section 604.10 of the Vehicle Code, relating to the removal of persons injured on highways.

Referred to Committee on Transportation.

Assembly Bill No. 656—An act to amend Section 511.2 of the Vehicle Code, relating to speed limits upon highways.

Referred to Committee on Transportation.

Assembly Bill No. 658—An act to amend Section 589.5 of, and to add Section 589.7 to, the Vehicle Code, relating to parking regulations by local authorities, including cities and counties and the enforcement thereof.

Referred to Committee on Transportation.

Assembly Bill No. 992—An act to amend Section 1558 of the Probate Code, relating to distribution of surplus income of insane or incompetent persons.

Referred to Committee on Judiciary.

Assembly Bill No. 1023—An act to amend Section 17127, and to repeal Section 17136.1 of the Revenue and Taxation Code, relating to personal income taxes, and providing that the act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1024—An act to amend Section 18472 of the Revenue and Taxation Code, relating to personal income taxes.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1031—An act to amend Section 17951, and to repeal Section 17320.9 of the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1033—An act to amend Sections 18171, 18586, 18691, 18691.1, 18692, 19053.5, and 19061.1, and to add Section 18586.1, to, the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1103—An act to amend Section 683 of the Code of Civil Procedure, relating to the return of execution.

Referred to Committee on Judiciary.

Assembly Bill No. 1111—An act to amend Section 689b of the Code of Civil Procedure, relating to executions.

Referred to Committee on Judiciary.

Assembly Bill No. 1353—An act to add Section 308a to the Penal Code, authorizing the Director of Corrections and the Youth Authority to provide tobacco and tobacco products to persons confined in institutions under their respective jurisdictions, and to permit the use thereof by such persons.

Referred to Committee on Judiciary.

Assembly Bill No. 1357—An act to amend Section 1767.5 of the Welfare and Institutions Code, relating to the care of paroled persons.

Referred to Committee on Social Welfare.

Assembly Bill No. 1541—An act to amend Section 259a of the Code of Civil Procedure, relating to duties of court commissioners, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

Assembly Bill No. 1749—An act to amend Sections 6726 and 7012.5 of the Welfare and Institutions Code, relating to the support of mental patients in boarding homes, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Assembly Bill No. 1942—An act to amend Sections 18303 and 18406 of the Revenue and Taxation Code, relating to the filing of partnership and fiduciary returns.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2076—An act to add Section 2117.5 to the Streets and Highways Code, relating to the Highway Users Tax Fund.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2295—An act to amend Section 974 of the Municipal Utility District Act, relating to municipal utility districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

Assembly Bill No. 2423—An act to amend Section 1260 of the Civil Code, relating to homesteads.

Referred to Committee on Judiciary.

Assembly Bill No. 2647—An act to amend Section 4751 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Social Welfare.

Assembly Bill No. 3098—An act to amend Section 30.2 of The Public Utility District Act, relating to public utility districts.

Referred to Committee on Public Utilities.

Assembly Bill No. 3107—An act authorizing the Director of Finance to acquire real property in the City of Long Beach, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 4, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:
Senate Bill No. 569

Has had the same under consideration, and reports the same back with amendments
with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 4, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:
Senate Bill No. 1492

Has had the same under consideration, and reports the same back with amendments
with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

DONNELLY, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 4, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:
Senate Bill No. 1073

Has had the same under consideration, and reports the same back with the recom-
mendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

DONNELLY, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 4, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:
Senate Bill No. 823

Has had the same under consideration, and reports the same back with the recom-
mendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 4.

DONNELLY, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 4, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:
Senate Bill No. 488

Has had the same under consideration, and reports the same back with the recom-
mendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

DONNELLY, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 4.33 p.m., on motion of Senator Powers, the President declared
the Senate adjourned until 1.30 p.m., Tuesday, April 5, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FORTY-THIRD LEGISLATIVE DAY

NINETY-THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, April 5, 1949

The Senate met at 1.30 p.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Ward, Watson, Weybret, and Williams—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Dorsey, on motion of Senator Salsman, due to illness.

Senator Sutton, on motion of Senator Salsman, due to legislative business.

Senator Tenney, on motion of Senator Salsman, due to legislative business.

Senator Coombs, on motion of Senator Salsman, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. James A. Johnston of Modesto.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to F. D. Haley of Gustine, and Dr. E. Barger.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jesse Miller and John Pearse of Clearlake Highlands and Thomas L. Garner of Lakeport.

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Merle and Margaret Weien of Angels Camp.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. R. L. McCorkle, A. R. Linn, and Councilman Charles Rafter, all of Concord.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Thomas Russell of Los Angeles and Mrs. Frankie Hill of Helena, Montana.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Loraine Mitchell, Mrs. Douglas See, Mrs. Malcolm Crowe, Mrs. Frank Craig, and Mrs. Mark B. Lane, members of the American Association of University Women of San Mateo, Burlingame and Hillsborough.

On request of Senators Drobish and Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Carlson, Mrs. Dobson, Staff Members, and the following students of the International House of the University of California, Berkeley: Hans Luyt, Netherlands; Robin Sung, China; Charlotte Pearl, U. S. A.; P. Solomonides, Cyprus; Chun-I Chung, China; Ying-Yung Lo, China; John Swedberg, U. S. A.; Min-Hsin Li, China; Richard See, U. S. A.; Domingo Lim, Philippines; Abdullah Tarzi, Afghanistan; Hamid Tarzi, Afghanistan; Linda Chang, China; Clas Bohman, Sweden; Esben Dragsted, Denmark; J. R. Luchsinger, Switzerland; Arthur Turner, Scotland; Rae Galbraith, U. S. A.; Maung Thein Swe, Burma; Jurg Schoellhorn, Switzerland; Elsi Schoellhorn, Switzerland; Bill Colburn, U. S. A.; Albert Machado, U. S. A.; Helen Best, Canada; Eleanor Ragon, U. S. A.; M. Krueger, U. S. A.; Barbara Alcock, U. S. A.; M. Khaiser, India; M. G. Thomson, Canada; Patricia Boericke, U. S. A.; Johan Akerman, Sweden; Betty Guy, U. S. A.; Gloria Jenvey, Trinidad; B. W. I.; Noel Beadle, Australia; Cheng-Mei Wang, China; Cheong-Ping Wang, China; Harry Keaton, Czechoslovakia; Tony Sycip, Philippines; Waheeduddin Mohamad, India; Walter Fleischer, China; and Evelyn Vartany, Iran.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Willard H. Van Dyke, District Superintendent of Tamalpais Union High School of Tamalpais, and the following students: Virginia Hilden, Sara Morrison, Noralie Asburn, Merle Olson, Jerome Whiting, Robert Andrews, and William Robertson.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Genevieve Cupples, School Representative, Miss Helen Vida, Teacher, and the following Eighth Grade students of the Grant School of San Francisco: Lawrence Axtell, Donn Bernstein, Clay Bradley, Alfred Breslauer, George Gundlinger, Jack Hill, Kenneth Lym, Robert Morris, Richard

Orear, Garnett Pessel, John Strathdee, Shoyui Yamanchi, Lois Arnstein, Marcia Baird, Ann Barnard, Gabriele Berliner, Lois Bernstein, Jacqueline Hughes, Donna Joost, Jean Landram, Susan Mizell, Carole Nickelson, Lynn Ray, Cynthia Stearns, Virginia Treadwell, Marcia Upson, Karin Walker, Sydney Wallis, Carol Williams, Roberta Wilm, Sharon Kilby, Sue Griswald, Larry Palafox, Angelo Bowen, Bill Pope, and Donald Bull.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 43

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 5, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 87

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 5, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 80

Senate Bill No. 323

Senate Bill No. 248

Senate Bill No. 1248

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 5, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Senate Bill No. 150

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 10; absent 3.

COLLIER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1949

MR. PRESIDENT: The Committee on Transportation, to which were referred:

Senate Bill No. 1075

Assembly Bill No. 817

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 10; absent 3.

COLLIER, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 5, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 332

Senate Bill No. 632

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1522

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Mayo moved that Senate Constitutional Amendment No. 6 be taken from the inactive file and placed on the second reading file.

Motion carried.

Request for Unanimous Consent

Senator Mayo asked for, and was granted, unanimous consent to take up Senate Constitutional Amendment No. 6 at this time for the purpose of amendment and that the resolution be placed on the third reading file.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 4 of Article XXIV thereof, relating to exemptions from state civil service.

Resolution read.

Motion to Amend

Senator Mayo moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 34, of the printed measure, as amended in Senate March 28, 1949, strike out "Hereafter, no", and strike out all of lines 35 to 37, inclusive.

Amendment read, and adopted.

Resolution ordered printed, re-engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 791

Senator Breed moved that Senate Bill No. 791 be withdrawn from Committee on Public Health and Safety for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 791—An act to amend Section 8726 of, and to add Sections 8747 and 8748 to the Health and Safety Code, relating to cemeteries.

Bill read second time.

Motion to Amend

Senator Breed moved the adoption of the following amendments:

Amendment No. 1

Strike out the title of the printed bill, and insert

"An act to add Chapter 19 to Division 3, to amend Sections 10074 and 10461 of, and repeal Chapter 5 of Part 1 of Division 4, and Sections 10009, 10020, 10021, 10022, 10084, and 10085 of, the Business and Professions Code, relating to cemeteries, including the regulation of cemetery brokers and salesmen and cemetery corporations."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1, of said bill, strike out lines 1 to 9, inclusive, and insert

"SECTION 1. Chapter 19 is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 19. CEMETERIES
Article 1. General Provisions

9600. This chapter of the Business and Professions Code constitutes the chapter on cemetery regulation. It may be cited as the "Cemetery Act."

9601. The definitions in this article govern the meaning of terms used in the act except as otherwise provided expressly or by necessary implication.

9602. "Act" means Cemetery Act.

9603. "Board" means the cemetery board.

9604. A cemetery broker is a person who, for a compensation, sells or offers for sale, buys, or offers to buy, lists, leases or offers to lease, or solicits, or negotiates the purchase or sale, lease or exchange of cemetery property, or interest therein, for another.

9605. A cemetery salesman is a natural person who for a compensation is employed by a cemetery broker to sell, or offer for sale, list or offer to list, or to buy, or to offer to buy, or to lease, or offer to lease, or to solicit, or to negotiate the purchase or sale or lease or exchange of cemetery property, or any interest therein.

9606. The definitions in Chapter 1 of Part 1 of Division 7 of the Health and Safety Code are applicable to this act.

9607. "Cemetery licensee" means and cemetery broker or cemetery salesman.

9608. "Endowment care" or "endowed care" shall have the same meaning as "perpetual care" and shall include both general and special care funds.

9609. This act does not apply to any of the following:

(a) A religious corporation, church, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them.

(b) A public cemetery.

Article 2. Administration

9625. There is in the department a Cemetery Board which consists of five members. The terms of the members first appointed shall expire: one, January 15, 1950; one, January 15, 1951; one, January 15, 1952; and two, January 15, 1953. Thereafter appointments shall be for a four-year term.

9626. Members of the board shall be appointed only from persons who have had, immediately preceding their appointment, a minimum of five consecutive years' experience in this State in the active administrative management of a cemetery corporation or as a member of the board of directors thereof for this period and shall at the time of their appointment have the actual and full authority of a president, general manager, or executive vice president. The five-year consecutive period shall be exclusive of time spent in the armed services. They shall hold office only as long as they continue in such active, actual and authoritative capacity.

9627. Each member of the board shall receive his necessary traveling and other expenses.

9628. The board shall elect annually a chairman and vice chairman and such other officers as it shall determine from among its members. Subject to the provisions of Section 154 the board may employ, fix the salaries of and prescribe the duties of,

two administrative assistants and such clerical, technical and other employees as are necessary in the carrying out of its duties.

9629. The board shall meet at least twice a year in order to conduct its business and may meet at such other times as it may designate. The board may meet at any place within this State.

9630. The board may establish necessary rules and regulations for the administration and enforcement of this act and the laws subject to its jurisdiction and prescribe the form of statements and reports provided for in this act.

9631. In the enforcement of this act and the laws subject to its jurisdiction, the board has all the powers and is subject to all the responsibilities vested in and imposed upon the head of a department under Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

Article 3. Regulation of Cemeteries

9650. The person or body in charge of a cemetery endowment care fund created before or after September 19, 1939, shall file with the board annually, on or before March 1st, a written report setting forth as of the preceding December 31st:

(a) The number of square feet of grave space and the number of crypts and niches sold or disposed of under endowment care during the preceding year.

(b) The amount deposited in the endowment care fund during the preceding year except in the report due March 1, 1950.

(c) A statement showing the total amount of the endowment care fund invested in bonds, securities, mortgages and other investments authorized by law and the amount of cash on hand not invested, which statement shall actually show the financial condition of the fund.

The report shall be verified by the President or Vice President and one other officer of the cemetery corporation.

9651. The board shall examine the reports filed with it as to their compliance with the requirements of Section 8738 of the Health and Safety Code as to the amount of endowment care funds collected and Section 8751 of that code as to the manner of investment of such funds.

9652. The board shall examine the endowment care fund of a cemetery corporation whenever it deems necessary and at least once every five (5) years; whenever any person in charge of an endowment care fund fails to file the report required by this article; or whenever it is requested by verified petition, signed by twenty five (25) persons interested as lot owners or members, alleging that the endowment care fund is not in accordance with the law, at the expense of the petitioners.

9653. In making such examination, the board:

(a) Shall have free access to the books and records relating to the endowment care fund, its collection and investment, and the number of graves, crypts and niches under endowment care during the previous year.

(b) Shall inspect and examine the endowment care fund to determine its condition and the existence of the investments.

(c) Shall ascertain if the cemetery corporation has complied with all the laws applicable to cemetery endowment care funds.

9654. The board may administer oaths and examine under oath any person relative to the endowment care fund. Such examination shall be conducted in the principal office of the person or body in charge of the endowment care fund and shall be private.

9655. If any examination made by the board, or any report filed with it, shows that there has not been collected and deposited in the endowment care funds the minimum amounts required by Section 8738 of the Health and Safety Code since September 19, 1939, the board shall require such cemetery corporation to comply with Sections 8743 and 8744 of the Health and Safety Code.

9656. Whenever the board finds, after notice and hearing, that any endowment care funds have been invested in violation of Section 8751 of the Health and Safety Code it shall by written order mailed to the person or body in charge of the fund require the reinvestment of the funds in conformity to that section within the period specified by it which shall be not less than two years where the investment was made prior to the effective date of this act and not less than six months when made after such effective date.

9657. The board is authorized to bring action to enforce the provisions of the law subject to its jurisdiction, in which actions it shall be represented by the Attorney General.

9658. The board shall enforce and administer Parts I, III and V of Division 8 of the Health and Safety Code.

Article 4. Cemetery Brokerage Regulations

9675. This article does not apply to the following cases or to the following persons:

(a) A person acting with reference to his own property.

(b) The regular officers of a cemetery corporation acting with reference to the corporation's property when they receive no special compensation therefor.

(c) Persons holding a duly executed power of attorney from others.

(d) The services rendered by an attorney at law in performing his duties as such.

(e) A receiver, trustee in bankruptcy, any person acting under orders of any court, or a trustee selling under a deed of trust.

(f) A real estate broker or real estate salesman, acting as such in connection with the sale, lease or exchange of real property, or interest therein, when the transfer of cemetery property is purely incidental to the sale, lease or exchange of real property.

9676. No person shall engage in the business of, act in the capacity of, advertise or assume to act as, a cemetery broker or cemetery salesman in this State without first obtaining a license from the board.

9677. Any act for a compensation of buying or selling, leasing or exchanging cemetery property or for another, or offering for another to buy or sell, lease or exchange cemetery property, or negotiating the purchase or sale, lease or exchange of cemetery property, or negotiating the purchase or sale, lease or exchange of, or listing or soliciting, or negotiating a loan on or leasing of cemetery property constitutes the person making such offer, sale or purchase, exchange or lease, or negotiating the loan, or listing or soliciting, a cemetery broker or a cemetery salesman.

9678. No person engaged in the business or acting in the capacity of a broker or a salesman within this State shall bring or maintain any action in the courts of this State for the collection of compensation for the performance of any of the acts mentioned in this article without alleging and proving that he was a duly licensed cemetery broker or cemetery salesman at the time the alleged cause of action arose.

9679. No cemetery broker shall employ or compensate, directly or indirectly, any person for performing any of the acts within the scope of this article who is not a licensed cemetery broker, or a cemetery salesman licensed under the cemetery broker employing or compensating him. No cemetery salesman shall be employed by or accept compensation from any person other than the cemetery broker under whom he is at the time licensed.

No salesman shall pay any compensation for performing any of the acts within the scope of this article to any licensee except through the cemetery broker under whom he is at the time licensed.

For a violation of any of the provisions of this section, the board may temporarily suspend or permanently revoke the license of the cemetery licensee in accordance with the provisions of this act relating to disciplinary proceedings.

9680. It is a misdemeanor, punishable by a fine not exceeding fifty dollars (\$50) for each offense, for any person, whether obligor, escrow holder or otherwise, to pay or deliver to anyone a compensation for performing any of the acts within the scope of this article who is not known to be or who does not present evidence to such payor that he is a licensed cemetery broker at the time such compensation is earned.

For violation of any of the provisions of this section, the board may temporarily suspend or permanently revoke the license of the cemetery licensee in accordance with the provisions of this act relating to hearings.

9681. Any person acting as a cemetery broker or cemetery salesman without a license, or who advertises so as to indicate he is a cemetery broker without being so licensed, is guilty of a misdemeanor. If such person is a corporation, it shall be punished by a fine of not to exceed five thousand dollars (\$5,000).

9682. Any cemetery salesman or cemetery broker who sells, causes to be sold, or offers for sale any cemetery property upon the promise, guarantee or representation to the purchaser that the same may be resold or repurchased at a financial profit is guilty of a misdemeanor.

For violation of any of the provisions of this section, the board may temporarily suspend or permanently revoke the license of the cemetery salesman or cemetery broker in accordance with the provisions of this act relating to disciplinary proceedings.

No violation of any of the provisions of this section by any cemetery salesman or employee of any licensed cemetery broker shall cause the suspension or revocation of the license of the employer of the salesman or employee unless it appears upon a hearing by the board that the employer had guilty knowledge of such violation.

9683. Every officer, agent or employee of any company, and every other person who knowingly authorizes, directs or aids in the publication, advertisement, distribution, or circularization of any false statement or representation concerning any cemetery or cemetery brokerage business and every person who, with knowledge that any advertisement, pamphlet, prospectus or letter concerning any cemetery brokerage business or any written statement that is false or fraudulent, issues, circulates, publishes or distributes the same, or causes it to be issued, circulated, published or distributed, or who in any other respect wilfully violates or fails, omits or neglects to obey, observe or comply with any order, permit, decision, demand or requirement of the board under the provisions of this act relating to cemetery brokerage, is guilty of a misdemeanor, and, if a cemetery licensee, he shall be held to trial by the board for a suspension or revocation of his cemetery license, as provided in the provisions of this act relating to disciplinary proceedings.

Article 5. Licenses and Certificates of Authority

9700. Application for license as cemetery broker shall be made in writing to the board. The application shall be accompanied by the original cemetery broker's license fee and by the recommendation of two real estate owners of the county in which such

applicant resides or has his place of business, certifying that the applicant is honest, truthful and of good reputation, and recommending that a cemetery license be granted to him. If the applicant has resided or has engaged in business for less than one year in the county from which the application is made, the application shall also be accompanied by the recommendation of two real estate owners of each of the counties where he has formerly resided or engaged in business during this period of one year prior to the filing of the application, certifying that the applicant is honest, truthful and of good reputation and recommending that a license be granted the applicant.

9701. Application for license as cemetery salesman shall be made in writing to the board. The application shall be signed by the applicant, and shall be accompanied by the original cemetery salesman's license fee and by the recommendation of the broker who is to be his employer, certifying that the applicant is honest, truthful and of good reputation, and recommending that a cemetery license be granted to the applicant.

9702. The board may require such other proof as it may deem advisable concerning the honesty, truthfulness and good reputation of any applicant for a cemetery license, or of the officers of any corporation, or of the members of any copartnership making such application, before authorizing the issuance of a cemetery license. For this purpose, the board may call a hearing in accordance with the provisions of this act relating to disciplinary proceedings.

9687. In addition to proof of honesty, truthfulness and good reputation required of an applicant for a cemetery license, the board shall ascertain by written examination that the applicant, and, in case of a copartnership or corporation applicant for a cemetery broker's license, that each officer, agent or member thereof through whom it proposes to act as a cemetery licensee has:

(a) Appropriate knowledge of the English language, including reading, writing and spelling, and of elementary arithmetic.

(b) A fair understanding of:

(1) Cemetery associations, cemetery corporations and duties of directors.

(2) Plot ownership, deeds, certificates of ownership, contracts of sale, liens and leases.

(3) Establishing, dedicating, maintaining, managing, operating, improving and conducting a cemetery.

(4) The care, preservation and embellishment of cemetery property.

(5) The care and preservation of endowment care funds, trust funds, and the investment thereof.

(c) A general and fair understanding of the obligations between principal and agent, of the principles of cemetery brokerage practice and the business ethics pertaining thereto, as well as of the provisions of this act relating to cemetery brokerage.

9703. The board may, in its discretion, waive the examination of any applicant for a cemetery broker's license who held an unrevoked or unsuspended cemetery license on June 30th of the preceding fiscal year as an individual broker, an officer of a corporation, or member of a copartnership. The board may waive the examination of any applicant for a cemetery salesman's license who held an unrevoked or unsuspended cemetery salesman's license on June 30th of the preceding fiscal year and who previously qualified by passing a written examination.

9704. An application on the form prescribed by the board for the renewal of any unrevoked and unsuspended license filed before midnight of June 30th of the year for which such revoked and unsuspended license was issued, accompanied by the applicable renewal fee, entitles the applicant to continue operating under his existing license after its usual expiration date, if not previously suspended or revoked, and until such date as he is notified in writing that the application has been granted or denied.

9705. The board shall issue, without examination, to any person who otherwise qualifies, a temporary salesman's license, good for a period of three months from the date of issuance, irrespective of the fact that the fiscal year may terminate within such three months. An applicant shall not be entitled to more than one temporary license without examination.

9706. No cemetery license gives authority to do any act specified in this act to any person other than the person to whom the license is issued.

9707. When a cemetery brokerage license is issued to a cemetery brokerage corporation, if it desires any of its officers other than the officer through whom it is already licensed to act under its license as a cemetery broker, it shall procure an additional license for each such officer. When a cemetery brokerage license is granted to cemetery brokerage copartnership, if it desires any of its members other than the one through whom it is already licensed to act as a cemetery broker, it shall procure an additional license for each such member.

9708. Each officer of a corporation through whom it is licensed to act as a cemetery broker, and each member of a copartnership through whom it is licensed to act as a cemetery broker, is, while so employed under such license, a licensed cemetery broker, but licensed only to act as such for and on behalf of the corporation or the copartnership, as officer or member, respectively.

9709. The cemetery licenses of both broker and salesman shall be prominently displayed in the office of the broker

The cemetery salesman's license shall remain in the possession of the licensed cemetery broker employer until canceled or until the salesman leaves the employ of the broker.

9710. Immediately upon the salesman's withdrawal from the employ of the broker, the broker shall return the salesman's license to the board for cancellation. A license canceled but not suspended or revoked may be reinstated within the fiscal year upon receipt of application therefor and the fee for the reinstatement of the license.

9711. Every licensed cemetery broker shall have and maintain a definite place of business in this State which shall serve as his office for the transaction of business. No cemetery license authorizes the licensee to do business except from the location stipulated in the cemetery license.

Notice in writing shall be given the board of change of business location of a cemetery broker, whereupon the board shall issue a new cemetery license for the unexpired period. The change or abandonment of business location without notification to the board shall automatically cancel the license theretofore issued.

9712. If the applicant for a cemetery broker's license maintains more than one place of business within the State he shall apply for and procure an additional license for each branch office so maintained by him. Every such application shall state the name of the person and the location of the place of business for which such license is desired.

The board may determine whether or not a broker is doing a cemetery brokerage business at or from any particular location which requires him to have a branch office license.

9713. Each cemetery broker shall erect and maintain a sign in a conspicuous place on the premises to indicate that he is a licensed cemetery broker and his name shall be clearly shown thereon. The size and place of the sign shall conform to regulations that may be adopted by the board.

9714. For a violation of any of the provisions of Sections 9709, 9710, 9711, and 9713, the board may temporarily suspend or permanently revoke the license of the cemetery licensee in accordance with the provisions of this act relating to disciplinary proceedings.

9715. Application in writing for a certificate of authority may be made by a cemetery corporation to the board accompanied by the fee provided for in this act.

9716. The board may require such proof as it deems advisable concerning the compliance by such applicant to all the laws, rules, regulations, ordinances and orders applicable to him.

Article 6. Disciplinary Proceedings

9725. Upon grounds provided in this article and the other articles of this act, the license of any cemetery licensee and the certificate of authority of every cemetery corporation may be revoked or suspended in accordance with the provisions of this article.

9726. The board may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a cemetery licensee, and may temporarily suspend or permanently revoke a license at any time where the licensee, within the immediately preceding three years, while a cemetery licensee in performing or attempting to perform any of the acts specified in this act, has been guilty of any of the following:

- (a) Making any substantial misrepresentation.
- (b) Making any false statement of a character likely to influence or persuade.
- (c) A continued and flagrant course of misrepresentation or making of false promises through cemetery agents or salesmen.
- (d) Performing for more than one party in a transaction without the knowledge or consent of all parties thereto.

(e) Commingling the money or other property of his principal with his own.

(f) The practice of claiming or demanding a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange cemetery property for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.

(g) The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or employing such licensee to sell, buy or exchange cemetery property for compensation or commission prior to or coincident with the signing of such agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.

(h) The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy, or exchange cemetery property for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.

(i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

The misrepresentations and false statements mentioned in this section include also misrepresentation and false statements as to other property than that which the cemetery licensee may be selling or attempting to sell.

9727. The board may suspend or revoke the license of any cemetery licensee who, within three years immediately preceding has done any of the following:

(a) Procured a cemetery license, for himself or any salesman, by fraud, misrepresentation or deceit.

(b) Been convicted of a felony, knowledge of which the board did not have at the time of last issuing a cemetery license to him.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any cemetery property offered for sale.

(d) Wilfully disregarded or violated any of the provisions of this act relating to cemetery brokerage.

(e) Acted or conducted himself in a manner which would have warranted the denial of his application for a cemetery license, or for a renewal thereof.

9728. When any salesman is discharged by his employer for a violation of any of the provisions of this article prescribing a ground for disciplinary action, a verified written statement of the facts with reference thereto shall be filed forthwith with the board by the employer and, if the employer fails to notify the board as required by this section, the board may temporarily suspend or permanently revoke the cemetery license of the employer in accordance with the provisions of this act.

9729. The board may deny, suspend or revoke the cemetery license of a corporation as to any officer or agent acting under its cemetery license, and the cemetery license of a copartnership as to any member acting under its cemetery license, without revoking the cemetery license of the corporation or of the copartnership.

9730. The fees for cemetery licenses at all periods of the fiscal year is the same as provided in this article. All cemetery license fees are payable in advance of issuing the licenses and at the time of filing the application. Except a temporary salesman's license, for which other provision is made, all licenses shall be issued for the fiscal year and shall expire on June 30th of each fiscal year at midnight.

9731. If a person fails to apply for a renewal of his license prior to midnight of June 30th of the year for which the license was issued, no renewal license shall be issued to him except upon payment of a renewal fee in double the amount otherwise required for renewal.

No person who fails to renew his license within one year of the expiration date can engage in any of the activities authorized by such a license unless he first files the application required for an original license, pays the original license fee, and otherwise complies with all of the provisions of this act pertaining to the issuance of an original license.

9732. The definitions contained in this article are solely for the purposes of this article.

9733. An original cemetery broker's license is a cemetery license issued to a person who did not have a cemetery broker's license on June 30th of the fiscal year previous to the fiscal year for which the license is issued.

9734. A renewal cemetery broker's license is a cemetery license issued to a person who had a cemetery broker's license unrevoked and unsuspended on June 30th of the fiscal year previous to the fiscal year for which the renewal cemetery license is issued.

9735. An original cemetery salesman's license is a cemetery license issued to a person who did not have a cemetery salesman's or a broker's license either individually or as an officer of a corporation, or as a member of a copartnership, on June 30th of the fiscal year previous to the fiscal year for which the salesman's license is issued.

9736. A renewal cemetery salesman's license is a cemetery license issued to a person who had a cemetery salesman's or a broker's license either individually or as an officer of a corporation, or as a member of a copartnership, on June 30th of the fiscal year previous to the fiscal year for which the salesman's license is issued.

9737. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 2 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

Article 7. Fees

9750. The amount of fees prescribed for a license or certificate of authority under this act is that fixed by the following provisions of this article.

9751. The original cemetery broker's license fee is twenty dollars (\$20).

The board may use two dollars (\$2) of the fee to secure a credit report or investigation of the applicant.

9752. The original cemetery broker's license fee is payable at the time of the filing of an application for an original cemetery broker's license.

If the applicant fails the required written examination, he may be permitted to take another examination upon payment of an examination fee of ten dollars (\$10). This fee is in addition to any original cemetery broker's fee previously paid, and no other fee either for the examination or for any original license issued to the applicant on successfully passing the examination shall be required.

No part of any original cemetery broker's license fee is refundable. It is deemed earned upon receipt by the board, whether the accompanying application for license is complete or incomplete.

9753. For a renewal cemetery broker's license the annual fee is five dollars (\$5).

9754. If the licensee is a cemetery brokerage corporation, the license issued to it entitles one officer only, on behalf of such corporation, to engage in the business of cemetery broker without the payment of further fee, such officer to be designated in the application of the corporation for a license. For each other officer of a licensed cemetery brokerage corporation, through whom it engages in the business of cemetery broker, the annual renewal fee is five dollars (\$5), in addition to the fee paid by the corporation.

9755. If the licensee is a cemetery brokerage copartnership, the license issued to it entitles one member only of the copartnership to engage on behalf of the copartnership in the business of cemetery broker, which member shall be designated in the application of the copartnership for a license. For each other member of the copartnership who on behalf of the copartnership engages in the business of cemetery broker, the annual renewal fee is five dollars (\$5) in addition to the fee paid by the copartnership.

9756. The original cemetery salesman's license fee is five dollars (\$5).

The board may use two dollars (\$2) of the fee to secure a credit report or investigation of the applicant.

9757. An original cemetery salesman's license fee is payable on each filing of an application for an original cemetery salesman's license.

If the applicant fails the required written examination, he may be permitted to take another examination upon payment of another original cemetery salesman's license fee.

9758. No part of any original cemetery salesman's license fee is refundable. It is deemed earned upon receipt by the board, whether the accompanying application for license is complete or incomplete.

9759. For a renewal cemetery salesman's license the annual fee is two dollars (\$2).

9760. For a branch office broker's license, the fee is one dollar (\$1).

9761. For change of name or of address of licensee on the records of the board, the fee is one dollar (\$1).

9762. For transfer of a salesman's license on change of employer, the fee is one dollar (\$1).

9763. For a duplicate license the fee is one dollar (\$1).

9764. For reinstatement of a license within the fiscal year, the fee is one dollar (\$1).

As used in this section, "reinstatement of a license" means the reissuance of a canceled cemetery broker's license, or a cemetery salesman's license which was canceled during the year for which it was issued upon the salesman's withdrawal from the employ of a cemetery broker.

9765. Every cemetery corporation shall pay an annual regulatory charge to be fixed by the board at not more than twenty-five dollars (\$25), plus an additional charge of not more than fifteen cents (\$0.15) per interment made during the preceding full calendar year, which charges shall be deposited in the Cemetery Board Fund.

9766. Upon payment of the charges set forth the board shall issue a certificate of authority to the cemetery corporation.

9767. Failure to pay the regulatory charge fixed by the board prior to April 1, 1950, and prior to February 1st for any succeeding year automatically suspends the certificate of authority. Such certificate may be restored upon payment to the board of the prescribed charges.

9768. It is a misdemeanor for any cemetery corporation to make any interments without a valid, subsisting and suspended certificate of authority. Each interment shall be a separate violation.

SEC. 2. Section 10074 of said code is amended to read:

10074. After qualifying as such, neither the commissioner nor any of the deputies, clerks or employees of the division shall be interested in any business opportunity company, business opportunity brokerage firm, [cemetery business, cemetery brokerage firm,] mineral, oil or gas business, mineral, oil or gas brokerage firm, real estate company or any real estate brokerage firm, as director, stockholder, officer, member, agent or employee, or act as a broker or salesman, or act as a copartner or agent for any broker or brokers, salesman or salesmen.

SEC. 3. Section 10461 of said code is amended to read:

10461. A military licensee shall not be required to renew his license under this part or Chapter 19 of Division 3 until the beginning of the license period which first

commences (a) after his again engaging in business, or (b) after one year following termination of military service, whichever is the earlier.

SEC. 4. Chapter 5 of Part 1 of Division 4 and Sections 10009, 10020, 10021, 10022, 10084, and 10085 of said code are repealed.

SEC. 5. The provisions of this act relating to cemetery licensees shall become effective on May 1, 1950. The rights of a cemetery licensee are not affected by the enactment of this act, nor by the repeal of any law upon which such rights are based, but such rights shall be exercised in accordance with this act on and after May 1, 1950.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill No. 603—An act to add Section 6962 to the Education Code, relating to the education of adults.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 4, of the printed bill, after "adults", insert "confined in a public institution".

Amendment No. 2

On page 1 of the printed bill, after line 5, add

"SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The amount of money allowed to school districts furnishing individual instruction to physically handicapped adults should be placed on an equal basis with the amount for furnishing such instruction to physically handicapped minors. The present law provides that each clock hour of teaching time devoted to the individual instruction of such minors counts as one day of attendance. No such provision is made for the equally important individual instruction furnished to physically handicapped adults with the result that as little as one-fourth as much money is available per pupil for the instruction of the adults as is available for the minors.

In order that school districts furnishing individual instruction to physically handicapped adults confined in hospitals may provide more adequate instruction for the school year commencing in the fall of this year it is necessary for this bill to take effect immediately since contracts between the school districts and teachers are entered in May and it is often impossible to hire teachers later in the year."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 432—An act to add Article 2.5 to Chapter 2 of Division 10 of the Education Code, relating to state college advisory boards.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 6, of the printed bill, after "college", insert ", except as otherwise provided in this article,".

Amendment No. 2

On page 1, line 8, of said bill, strike out "director", and insert "Director".

Amendment No. 3

On page 2 of said bill, after line 11, insert

"20368. The provisions of this article do not apply to the California State Polytechnic College or to the Los Angeles State College of Applied Arts and Sciences."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 90—An act to amend Section 3571 of the Education Code, relating to the formation of high school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1402—An act to amend Sections 1815 and 1816 of the Education Code, relating to candidates for office of school trustee.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 398—An act to amend Section 11151 of the Education Code, relating to teachers' manuals for use in kindergarten schools.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 701—An act to add Section 9.5 to the Property Acquisition Act, relating to sites for student housing on the campuses of state colleges.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 894—An act to amend Section 8727 of the Education Code, relating to high school tuition fees.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 320—An act to repeal Sections 6309 and 6360 of the Education Code, and to amend Sections 6303, 6306, and 6361 of said code, relating to school district budgets.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "6303", and insert "6301, 6302, 6303, 6304, 6305".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, following line 2, insert

"SEC. 2. Section 6301 of said code is amended to read:

6301. (a) [Prior to] *On or before* the first day of July in each year, the governing board of each school district shall file with the county superintendent of schools a [tabulation] *tentative budget* showing all the purposes for which the school district will need money and the estimated amount of money that will be needed for each purpose for the [next] ensuing [school] *fiscal* year. These purposes shall be classified to set forth the data by functions and objects of expenditure within the [general classes] *major classifications* of administration, instruction, operation of plant, maintenance of plant, auxiliary services, community services, fixed charges, capital outlay, *or such revised major classifications as may be prescribed by the Superintendent of Public Instruction* and expenditures proposed to be made from bonds or other income not yet authorized. Within the [general classes] *major classifications* of administration, instruction, operation of plant, maintenance of plant, auxiliary agencies, and community

services there shall be set forth as separate entries the amount of proposed expenditures for salaries and wages and maintenance and operation or such intermediate classifications as may be prescribed by the Superintendent of Public Instruction. Proposed capital outlay appropriations shall be set forth by land, building, and equipment classifications. Wherever a district has a special accumulative building fund, as provided in Article [5] 4 of Chapter 8 of this [chapter] division, the amount in such fund at the end of the last preceding [school] fiscal year, and the amount to be added during the ensuing [school] fiscal year, shall be shown.

(b) The [tabulation] tentative budget shall also contain an amount to be known as the general reserve in such sum as the governing board may deem sufficient, for the next succeeding [school] fiscal year, to meet the cash requirements to which the district's credit may be legally extended for that portion of said next succeeding [school] fiscal year until adequate proceeds of the taxes levied for, or apportionment of state funds made to, the district during such succeeding [school] fiscal year are available to the district.

(c) The [tabulation] tentative budget may also contain an amount to be known as the undistributed reserve. The funds in the undistributed reserve shall be available for appropriation by a two-thirds vote of the members of the governing board, to cover expenditures that have not been provided for or that may have been insufficiently provided for, or for unforeseen requirements as they may arise.

SEC. 3. Section 6302 of said code is amended to read:

6302. (a) From the records of the county auditor, the county superintendent of schools shall secure the cash balances of the district or shall make estimates thereof if information on actual cash balances is not available, and shall enter these, as well as the estimated expenditures for the last preceding fiscal year; these estimated expenditures shall be set forth for comparison with the estimated requirements of the district in the order by functions as prescribed in Section 6301 (a). The cash balances shall be [exclusive of] segregated to show separately the amounts derived by receipts from bond sales and gifts or donations by reason of bond sales. The [tabulation] tentative budget also shall show estimated apportionments from the State School Fund, [the State High School Fund, the State Junior College Fund, the State Vocational Education Fund, and the State General Fund.] and from State and Federal sources for vocational education, vocational rehabilitation, or for other purposes for the ensuing fiscal year. The actual income from these sources for the last preceding fiscal year also shall be shown.

(b) In addition to the above information the governing board shall furnish the county superintendent of schools with an estimate of the revenues from sources other than taxes on property anticipated during the year to which the budget is intended to apply, and the sources whence derived, compared with the estimated receipts from the same sources for the last preceding [school] fiscal year. Should the governing board fail to provide this information, it shall be supplied by the county superintendent of schools from his own records."

Amendment No. 3

On page 1, line 3, of said bill, strike out "2", and insert "4".

Amendment No. 4

On page 1 of said bill, following line 11, insert

"SEC. 5. Section 6304 of said code is amended to read:

6304. The county superintendent of schools shall examine the [tabulation] tentative budget and after indicating thereon such changes as he deems desirable or necessary, shall return the [tabulation] tentative budget to the governing board on or before the fifteenth day of July, adding such information as is necessary to determine the amounts necessary to be raised by taxes on property for the year to which the budget is intended to apply.

SEC. 6. Section 6305 of said code is amended to read:

6305. The governing board shall make such changes in the [tabulation] tentative budget as it deems desirable or necessary, and said [tabulation] tentative budget, with such revisions, additions, and changes as have been made therein as provided in this article, shall constitute the [preliminary school] publication budget for the period to which it is intended to apply. The publication budget shall be returned to the county superintendent of schools not later than the twentieth day of July. A copy of all [preliminary] publication school budgets shall be sent to the county auditor in such form."

Amendment No. 5

On page 1, line 12, of said bill, strike out "3", and insert "7".

Amendment No. 6

On page 1, line 22, of said bill, strike out "preliminary", and insert "publication".

Amendment No. 7

On page 1, line 28, of said bill, after "the", insert "adopted".

Amendment No. 8

On page 2, line 2, of said bill, strike out "approved", and insert "adopted".

Amendment No. 9

On page 2, line 8, of said bill, strike out "4", and insert "8".

Amendment No. 10

On page 2, line 21, of said bill, strike out "reso-", and insert "resolu-".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 694—An act to add Section 20355 to the Education Code, relating to student housing facilities at state colleges.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 20355", and insert "Sections 20355, 20356, and 20357".

Amendment No. 2

In line 2 of the title of said bill, after "colleges", insert ", making an appropriation, declaring the urgency thereof, to take effect immediately".

Amendment No. 3

On page 1 of said bill, strike out all of line 5, and insert "dents of the college.

SEC. 2. Section 20356 is added to said code, to read:

20356. The Director of Education, with the approval of the Director of Finance, shall fix the".

Amendment No. 4

On page 1, line 9, of said bill, after "repairs", insert "and the replacement of equipment".

Amendment No. 5

On page 1 of said bill, beginning in line 6, strike out "the facilities", and insert "student housing facilities at a state college".

Amendment No. 6

On page 1 of said bill, strike out lines 10 to 18, inclusive, and insert

"All of such rents, charges, and fees collected by any state college shall be paid into a working capital revolving fund in the State Treasury, to be designated the College Auxiliary Enterprise Revolving Fund, which fund is hereby created.

All money in the College Auxiliary Enterprise Revolving Fund is hereby appropriated to the department for the maintenance, repair, and operation of student housing facilities established under the provisions of this section, for construction, improvements, and equipment of additional student housing facilities pursuant to the provisions of this section, and for the payment of refunds of rents, charges, and fees to any person entitled thereto, as determined by the department in accordance with law.

SEC. 3. Section 20357 is added to said code, to read:

20357. Rents, charges, and fees collected in error may be refunded by the Department of Education in accordance with regulations prescribed by the Director of Education and approved by the Department of Finance.

Rents, charges, and fees collected for facilities requested by students and not utilized by them may be made for good cause by the Department of Education in such amounts and under such conditions as may be prescribed by regulations adopted by the Director of Education and approved by the Director of Finance."

Amendment No. 7

On page 1, line 20, of said bill, strike out the period, and insert "or to student housing facilities at the California State Polytechnic College.

SEC. 4. On the effective date of this act, an amount equal to all rents, charges, and fees collected by any state college in connection with the operation and maintenance of student housing facilities acquired by the State from the Federal Government pursuant to an Act of Congress known as Public Law 796 of the Eightieth Congress, and theretofore deposited in the General Fund in the State Treasury, shall, on order

of the State Controller, be transferred from the General Fund to the College Auxiliary Enterprise Revolving Fund.

On the effective date of this act, an amount equal to all charges theretofore paid from the support appropriation for any state college for the operation, maintenance, and repair of any student housing facilities at such state college which were acquired pursuant to the Act of Congress cited herein shall, on order of the State Controller, be charged against the College Auxiliary Enterprise Revolving Fund, and shall be credited to, and in augmentation of, the General Fund appropriation for the support of such state college from which such charges were originally paid.

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall therefore go into immediate effect. The facts constituting such necessity are:

Upon the adoption of the Act of Congress cited in Section 4 of this act, it was necessary for the State of California, through the Director of Education, to take over the responsibility for the operation and maintenance of student housing facilities theretofore established at various state colleges and operated and maintained with federal funds, in order to continue the availability of such urgently needed facilities during this time of critical housing shortage.

Under present provisions of the law, it is necessary that such student housing facilities be operated and maintained from General Fund support appropriations until legislation is adopted to provide for the financing of the costs of operation and maintenance out of the rents, charges, or other fees collected in connection with such facilities. Because of the large increases in governmental costs necessarily payable from the General Fund, it is urgent that this bill take effect immediately, in order to place such student housing facilities on a self-supporting basis, and in order to reimburse the General Fund without further delay for the costs of operation and maintenance heretofore paid from the General Fund, but which, under this bill, will become chargeable against income heretofore collected in connection with such facilities."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 265—An act to amend Sections 7621, 7622, 7623, 7624, 7650, 7654, 7691, 7692, and 7720 of the Labor Code, relating to regulation of tanks and boilers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "7654", and strike out line 2, and insert "7681, 7682, 7691, and 7692 of the Labor Code; to amend and renumber Sections 7653 and 7654, and to repeal Section 7652 of said code; all relating to regula-".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, between lines 2 and 3, insert

"7621. "Boiler," as used in this part, means any [steam boiler] *fired or unfired pressure vessel used to generate steam pressure by the application of heat*, subject to this part.

SEC. 2. Section 7622 of said code is amended to read:

7622. "Tank," as used in this part, means any [air pressure tank] *unfired pressure vessel, subject to this part, used for the storage of air pressure or liquefied petroleum gases; provided, however, that for the purpose of shop inspection "tank" shall mean any unfired pressure vessel built according to the rules of any nationally recognized pressure vessel code.*

SEC. 3. Section 7623 of said code is amended to read:

7623. This part applies to all [steam] boilers and [air pressure] tanks which are not specifically exempted in this chapter, *or by the general safety orders of the division now in effect or which may hereinafter be adopted.*

SEC. 4. Section 7624 of said code is amended to read:

7624. The following [air pressure] tanks are not subject to this part:

(a) [Air pressure] Tanks under the jurisdiction or inspection of the United States Government.

(b) [Air pressure] Tanks used in household domestic service.

(c) [Air pressure] Tanks of 1½ cubic feet or less in capacity and [installed as part of a motor vehicle or its trucking or accessory equipment and] *which are not subject to a [maximum] pressure of more than one hundred fifty pounds per square inch.*

(d) Air pressure tanks installed on units of transportation, including trucks, busses, and streetcars, which units of transportation are operated by any person, firm, or corporation subject to the jurisdiction of the Interstate Commerce Commission or the [California Railroad Commission] *Public Utilities Commission.*

(e) *Tanks not subject to an internal or external pressure of more than fifteen pounds per square inch, irrespective of size.*

SEC. 5. Section 7650 of said code is amended to read:

7650. Inspections required by this part [may] *shall be made either by [inspectors] qualified safety engineers employed by the division or by [a certified inspector] certified inspectors or engineers; provided, however, that shop inspections may be made by the division, acting through its qualified safety engineers when request therefor is made by any manufacturer of tanks or boilers.*

(a) *As used in this chapter a qualified safety engineer or a certified inspector or engineer is one who is qualified to make inspections or examinations of boilers or tanks according to the rules under which the vessel is constructed; such qualification to be determined by a written examination prescribed by the division.*

(b) A certified inspector or engineer [is one who has] *shall hold an unrevoked certificate of competency issued pursuant to this part, and [who is] be employed by any one of the following:*

[(a)] (1) A county.

[(b)] (2) A city.

[(c)] (3) An insurer.

[(d)] (4) [A person] *An employer, for the purpose of [testing] inspecting only tanks [or] and boilers [owned by him] under his jurisdiction.*

SEC. 6. Section 7652 of said code is hereby repealed.

SEC. 7. Section 7653 of said code is amended to read:

[7653] 7652. Upon good cause being shown therefor, the division may revoke a certificate of competency.

SEC. 8. Section 7654 of said code is amended to read:

[7654] 7653. *Where serious conditions are found by certified inspectors that would jeopardize the life, limb, or safety of employees, the reports of inspection shall be made forthwith to the division by telephone or telegraph within twenty-four hours.*

Within twenty-one days after each routine inspection [made by him], every certified inspector shall forward a report of his inspection, *on prescribed forms,* to the division [on the forms provided by it]. His certificate of competency may be *suspended* or revoked by the division for failure to comply with this section.

SEC. 9. Section 7681 is amended to read:

7681. The division shall inspect or cause to be inspected each *installed* tank at least every two years.

SEC. 10. Section 7682 is amended to read:

7682. The division shall inspect or cause to be inspected each *installed* boiler, internally and externally, at least every year.

SEC. 11. Section 7691 of said code is amended to read:

7691. If the operation of a tank or boiler [without a permit] constitutes a serious menace to the life or safety of any person employed about it, the division or any of its safety [inspectors] *engineers,* or any person affected thereby, may apply to the superior court of the county in which the tank or boiler is situated for an injunction restraining its operation until the condition has been corrected [or a permit secured].

SEC. 12. Section 7692 of said code is amended to read:

7692. The [certificate] *certification* of the division that *no valid* permit exists for the operation of a tank or boiler, and the affidavit of any safety [inspector] *engineer* of the division that its operation constitutes a menace to the life or safety of any person employed about it, is sufficient proof to warrant the immediate granting of a temporary restraining order."

Amendment No. 3

On page 1, strike out lines 3 to 26, inclusive, and strike out page 2.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Senate Bill No. 266—An act to amend Section 7721 of the Labor Code and to repeal Section 7722 thereof, relating to inspection fees for

tanks and boilers, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 7721 of the Labor Code and to repeal" and strike out line 2 and insert

"Sections 7720 and 7721 of the Labor Code and to amend and renumber Sections 7722, 7723, and 7724 of, and to add Sections 7722 and 7723 to said code, relating to inspection fees for tanks."

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 7720 of said code is amended to read:

7720. No fee shall be charged by the division where an inspection is made by a certified inspector, *provided the inspection has been made and reports have been submitted within the time limits specified in this part.*

SEC. 2. Section 7721 of said code is amended to read:

7721. The division [shall] *may, by general safety order, fix and collect fees for the complete shop inspection of tanks[.], [not exceeding three dollars (\$3) for each inspection.] Said fees shall be fixed in accordance with the size of the tank, the time required to make the inspection, and the quantities so inspected. Such fees shall not in any event exceed the following amounts:*

(a) *For one small tank-----four dollars (\$4.00)*
(b) *For small tanks in lots of two or more, per hour-----four dollars (\$4.00)*
or per tank-----thirty-five cents (\$0.35)
whichever is greater.

(c) *Large tanks, per hour-----four dollars (\$4.00)*

SEC. 3. Section 7722 is added to said code, to read:

7722. The division may, by general safety order, fix and collect fees for the field inspection of tanks. Such fees shall not exceed the following amounts:

(a) *Small tanks, each-----four dollars (\$4.00)*
(b) *Large tanks, per hour-----four dollars (\$4.00)*

SEC. 4. Section 7723 is added to said code, to read:

7723. As used in this chapter, the following terms shall have the meaning therein given them.

(a) "Small tank" shall mean any tank of one thousand two hundred gallons or less water capacity.

(b) "Large tank" shall mean any tank of more than one thousand two hundred gallons water capacity.

(c) "Shop inspection" shall mean the complete inspection and testing of tanks or boilers manufactured, or in the process of manufacture, repair or alteration, at a shop or at a job site, in accordance with the applicable rules, or a tank or boiler in the possession of a dealer or vendor at the request of a user in contemplation of the purchase thereof.

(d) "Field inspection" shall mean the inspection and testing of installed tanks and/or boilers, regardless of location.

SEC. 5. Section 7722 of said code is amended to read:

[7722.] 7724. The division [shall] *may, by general safety order, fix and collect fees for the complete field and/or shop inspection of boilers [as follows]. Such fees shall not, in any event, exceed the following amounts:*

(a) *For boilers 20 inches or less in diameter, or less than three horsepower:*

(1) *External inspection, [two dollars (\$2)] three dollars (\$3)*

(2) *Internal inspection, [three dollars (\$3)] four dollars (\$4)*

(b) *For fire tube boilers over 20 inches in diameter:*

(1) *External inspection, [three dollars (\$3)] four dollars (\$4)*

(2) *Internal inspection, [seven dollars and fifty cents (\$7.50)] eleven dollars*

(\$11)

(c) *For water tube boilers:*

(1) *External inspection, [five dollars (\$5.00)] seven dollars and fifty cents (\$7.50)*

(2) Internal inspection, [fifteen dollars (\$15)] *twenty-two dollars and fifty cents (\$22.50)*

SEC. 6. Section 7723 of said code is amended to read:

[7723.] 7725. All inspection fees shall be paid before the issuance of a permit.

SEC. 7. Section 7724 of said code is amended to read:

[7724.] 7726. The inspection fees collected under this article shall be paid into the General Fund.

SEC. 8. This act, inasmuch as it provides for a tax levy, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately, but shall not become operative until the first day of the month succeeding the day that it becomes effective."

Amendment No. 3

On page 1 of said bill, strike out lines 3 to 20, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Senate Bill No. 1080—An act to add Article 5B to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of said committee and of the Veterans' Welfare Board and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1950.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 569—An act to amend Section 8161 of the Education Code, relating to the maintenance of school classes.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 7, of the printed bill, after "than", insert "Saturday,".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1492—An act to amend Sections 2, 27, 28, and 30 of the Water Conservation Act of 1927, relating to the power and authority of water conservation districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

On page 3, line 31, of the printed bill, strike out "twenty-five mills (\$.0025)", and insert "two and one-half mills (\$.0025)".

Amendment No. 2

On page 4, line 1, of said bill, strike out "twenty-five mills (\$.025)", and insert "two and one-half mills (\$.0025)".

Amendment No. 3

On page 4, lines 3 and 4, of said bill, strike out "twenty-five mills (\$.025)", and insert "two and one-half mills (\$.0025)".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1073—An act to add Sections 11, 12, 13, 14, and 15 to an act entitled "An act to provide for the maintenance of storm drain improvements, and of other watercourses or drainage channels; the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts; defining the powers of the board of supervisors and the county surveyor, relative to such districts and providing for the levy and collection of taxes to defray the expenses thereof," approved May 11, 1937, and to renumber the existing sections of 11 and 12 of said act, relative to storm drain maintenance districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 823—An act to amend Section 31 of the State Water Resources Act of 1945, relating to the construction of a multiple purpose dam in the vicinity of Table Mountain.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 488—An act to amend Section 7001 of the Water Code, relating to joint use of conduits.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 111—An act to amend Sections 1, 2, 3, 4, and 5 of an act entitled "An act establishing a four-year state institution of higher education in the City of Los Angeles, County of Los Angeles," approved July 2, 1947, relating to the establishment, government and maintenance of a four-year state institution of higher education in the City of Los Angeles.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 6, inclusive, and insert

"An act to provide for the expansion of publicly supported higher education by the establishment of a state college in the City of Los Angeles; and to repeal Chapters 1082 and 1089 of the Statutes of 1947, all relating to the system of publicly supported higher education."

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 18, inclusive; and on page 2, strike out lines 1 to 52, inclusive; and on page 3, strike out lines 1 to 13, inclusive, and insert "SECTION 1. There is hereby established a state college to be located in the City of Los Angeles to be known as the Los Angeles State College of Applied Arts and Sciences.

SEC. 2. The purposes and functions of the college shall be those which serve the needs of the community and of the State and primarily include, but shall not be limited to, the training of students for gainful occupations in the arts and sciences as related to business and industry, and in furtherance of such purposes, the college shall initiate the establishment of cooperative relationships with industry and business

looking toward the development of programs of training which will relate practical experience with classroom instruction.

SEC. 3. There is hereby established an advisory board for the college to consist of seven members, all of whom shall be residents of the County of Los Angeles and three of whom shall be members of the Board of Education of the City of Los Angeles. Six members of the board shall be appointed by the Director of Education by and with the advice and consent of the State Board of Education and the Board of Education of the City of Los Angeles and the six members so appointed shall appoint the seventh member. The term of office of each member shall be four years except that of the first members appointed to said board, the member appointed by the members appointed by the Director of Education shall be appointed for one year, and of the members appointed by the Director of Education, two shall be appointed for two years, two shall be appointed for three years, and two shall be appointed for four years. A vacancy shall be filled by appointment by the Director of Education, subject to confirmation by the State Board of Education and the Board of Education of the City of Los Angeles, but the appointee shall serve only for the balance of the unexpired term. The term of a member who is a member of the Board of Education of the City of Los Angeles shall become vacant upon his ceasing to be a member of the Board of Education of the City of Los Angeles, but the person appointed to succeed him shall be a member of said board of education.

SEC. 4. The State Board of Education shall, before adopting any regulation respecting the curricula of the college, status and qualifications of faculty members, or entrance requirements for students, secure the recommendation of the advisory board. The advisory board shall meet at such times as it may determine and advise and consult with the president of the college with respect to the curricula, improvement, and development of the college.

SEC. 5. The provisions of Chapter 2 of Division 10 of the Education Code and all other laws relating to state colleges are applicable to the Los Angeles State College of Applied Arts and Sciences insofar as said laws are not inconsistent with this act.

SEC. 6. The Director of Education and the Board of Education of the City of Los Angeles are directed to enter into an agreement for the use of physical facilities at the Los Angeles Junior College, also known as Los Angeles City College, necessary for the conduct and maintenance at the Los Angeles State College of Applied Arts and Sciences of courses of instruction. In order to insure desirable integration and continuity of administration and educational program between said state college and said Los Angeles Junior College located on the same site, the Director of Education and the Board of Education of the City of Los Angeles are directed to enter into an agreement for the joint use of such services, faculty, and administrative officers (including the president) as may be mutually agreed upon. The Director of Education, subject to the approval of the State Board of Education, and of the advisory board, shall appoint a president for said college.

SEC. 7. The Department of Education shall succeed to all the duties, powers, purposes, responsibilities, and jurisdiction of the four-year institution of higher education established by Chapter 1082 of the Statutes of 1947.

SEC. 8. The Los Angeles State College of Applied Arts and Sciences established by this act shall be open for the admission of students upon the establishment thereof.

SEC. 9. Chapter 1082 and 1089 of the Statutes of 1947 are repealed and the institution established by Chapter 1082 of the Statutes of 1947 is abolished."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 260—An act to amend Section 16271 of the Education Code, relating to the transportation of public school pupils and employees, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

MOTIONS TO RECONSIDER

Assembly Joint Resolution No. 26—Relative to the participation of the United States in a world federal government.

Postponement of Motion to Reconsider

Senator Donnelly moved that his motion to reconsider the vote whereby Assembly Joint Resolution No. 26 was adopted, be postponed until the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Swing, Watson, Weybret, and Williams—29.

NOES—None.

MOTION TO SET SPECIAL ORDER

Senator Mayo moved that the motion of Senator Donnelly to reconsider the vote whereby Assembly Joint Resolution No. 26 was adopted, be made a special order of business for Wednesday, April 6, 1949, at 2.30 p.m.

Motion carried.

Senate Bill No. 624—An act to amend Section 65 of the Labor Code, relating to conciliation and arbitration of labor disputes.

MOTION TO RECONSIDER SENATE BILL NO. 624

Pursuant to his motion previously made, Senator Dillinger moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 624 was refused passage.

The roll was called, and Senate Bill No. 624 reconsidered by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Watson, Weybret, and Williams—29.

NOES—None.

Senate Bill No. 624 ordered to third reading file.

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 21 of Article V thereof, relating to the Attorney General.

MOTION TO RECONSIDER SENATE CONSTITUTIONAL AMENDMENT NO. 29

Pursuant to his motion previously made, Senator Keating moved that the Senate, at this time, reconsider the vote whereby Senate Constitutional Amendment No. 29 was refused adoption.

The roll was called, and Senate Constitutional Amendment No. 29 reconsidered by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Watson, Weybret, and Williams—30.

NOES—None.

Motion to Refer Bill to Inactive File

Senator Keating moved that Senate Constitutional Amendment No. 29 be placed on the inactive file.

Motion carried.

**CONSIDERATION OF SPECIAL ORDER
MOTION FOR COMMITTEE OF THE WHOLE**

At 2 p.m., Senator Dilworth moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering Senate Bills Nos. 685 and 850.

Motion carried.

IN COMMITTEE OF THE WHOLE

Hon. W. T. Rich, Senator of the Tenth Senatorial District, presiding.

On motion of Senator Dilworth, the committee did arise and report back to the Senate.

IN SENATE

Hon. Clarence Ward, Senator of the Thirty-first Senatorial District, presiding.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**CONSIDERATION OF DAILY FILE (RESUMED)
FURTHER CONSIDERATION OF SPECIAL ORDERS
CONSIDERATION OF SENATE BILL NO. 685**

Senate Bill No. 685—An act to add Section 5044.5 to the Education Code, relating to school district public works.

Senate Bill No. 685 ordered placed on third reading file at the request of Senator Dilworth.

CONSIDERATION OF SENATE BILL NO. 850

Senate Bill No. 850—An act to add Chapter 1.6 to Division 3 of the Education Code, providing for school district public works, declaring the urgency thereof, to take effect immediately.

Senate Bill No. 850 ordered placed on third reading file at the request of Senator Dilworth.

Request for Unanimous Consent

Senator Dilworth asked for, and was granted, unanimous consent to have the following amendments offered by Senator Hulse to Senate Bill No. 850 printed in the Journal.

**AMENDMENTS OFFERED BY SENATOR HULSE TO
SENATE BILL NO. 850**

Amendment No. 1

On page 3, line 7, of the printed bill, as amended in Senate April 1, 1949, strike out "director", and insert "State Allocation Board".

Amendment No. 2

On page 3, line 20, of said bill, strike out "a copy thereof shall be transmitted by the director to", and insert "copies thereof shall be transmitted by the board to the Director of Education and".

Amendment No. 3

On page 3, line 22, of said bill, strike out "director", and insert "Director of Education or the Director of Finance".

Amendment No. 4

On page 3, line 23, of said bill, strike out "as he deems", and insert "deemed".

Amendment No. 5

On page 3, line 37, of said bill, strike out "shall refer them to the director who".

Amendment No. 6

On page 8, line 14, of said bill, strike out "Te", and insert "The".

THIRD READING OF SENATE BILLS

Senate Bill No. 87—An act to amend Section 9359.8 of, and to add Sections 9359.85, 9360.2, 9360.3, 9360.4, 9360.5, and 9360.6 to, the Government Code, relating to retirement of, and allowances to, members of the Legislators' Retirement System.

Motion to Re-refer Senate Bill No. 87

Senator Hatfield moved that Senate Bill No. 87 be re-referred to Committee on Finance.

Motion carried.

Senate Bill No. 47—An act to repeal Sections 27206, 27207, 27208, and 27209, and to add Chapter 13.5, comprising Sections 26250, 26251, 26252, and 26253, to Part 2, Division 2, Title 3, of the Government Code, relating to duties of county recorders.

Bill read third time.

Motion to Amend

Senator Williams moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended in Senate March 3, 1949, between lines 2 and 3, insert

"Sec. 2. Chapter 13.5, comprising Sections 26250 to 26253, inclusive, is added to Part 2, Division 2, Title 3, of said code, to read:".

Amendment No. 2

On page 1, line 19, of said bill, strike out "and", and insert "or".

Amendment No. 3

On page 2, line 9, of said bill, strike out "abstracts,".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 317—An act declaring all buildings or places, other than private dwellings, used or resorted to for purposes of public gambling to be nuisances, and providing for the abatement and prevention of such nuisances by injunction and otherwise.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 13, of the printed bill, strike out "gambling, betting", and insert "wagering".

Amendment No. 2

On page 1, lines 14 and 15, of said bill, strike out "or with any form of gaming made unlawful under any law of this State", and insert "as the same is defined in Section 337a of the Penal Code".

Amendment No. 3

On page 1, line 18, of said bill, strike out "game, scheme,".

Amendment No. 4

On page 2, line 7, of said bill, after the word "nuisance.", insert "In all actions which may be brought to abate any such nuisance under the provisions of this act, the court shall first require notice in writing from the plaintiff to remove, discontinue or abate such nuisance to be served upon the owner of the building or place thirty days prior to the filing of the complaint. Proof of compliance with such notice within said thirty day period by the owner of the building or place shall be a complete defense to any action which may thereafter be brought under the provisions of this act for the abatement of any such nuisance at such building or place existing prior to the date of compliance with such notice. Whenever any such nuisance is re-established, renewed, exists or is brought into being in such building or place within one year of the last day of the thirty day period of notice provided for herein, such action to abate and prevent such nuisance as provided for by this act may be brought forthwith and in such cases the notice provided for herein shall not be required."

Amendment No. 5

On page 3, line 14, of said bill, strike out "shall", and insert "may".

Amendment No. 6

On page 3, line 17, of said bill, strike out the period after the word "manner", and insert "only if the court finds that said nuisance existed with the connivance of the owner of such building or place."

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

RESOLUTIONS

The following resolution was offered:

By Senator Swing:

Senate Resolution No. 78

Relating to the use of water for recreation, the maintenance of runs of fishes, and the conservation of wildlife

WHEREAS, The reclamation laws of the United States do not specifically recognize the use of water for (1) recreational purposes, (2) the maintenance of valuable runs of fishes, and (3) the conservation of wildlife as beneficial public uses; and

WHEREAS, Such recognition of the use of water is becoming increasingly important to the future economic and social welfare of the American people, and especially in the State of California with its rapidly growing population; and

WHEREAS, Until the reclamation laws clearly recognize the use of water for the purposes enumerated those in administrative charge of reclamation projects will continue to be in doubt as to the clear intent of Congress relative thereto; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate of the State of California respectfully memorializes the President and the Congress of the United States to enact an amendment or amendments to the reclamation laws so that they will clearly define the use of water for the purposes enumerated as beneficial public uses; and be it further

Resolved, That in all future appropriations for reclamation projects Congress be urged to make provision to safeguard the public interest in recreation, fishes, and wildlife resources on a nonreimbursable basis; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from the State of California in the Congress of the United States.

Resolution read, and ordered placed on third reading file.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Rich moved that Senate Bill No. 481 be taken from the inactive file and placed on the second reading file.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 3
 Assembly Bill No. 509
 Assembly Bill No. 554
 Assembly Bill No. 567
 Assembly Bill No. 581
 Assembly Bill No. 625
 Assembly Bill No. 640
 Assembly Bill No. 827
 Assembly Bill No. 918

Assembly Bill No. 1101
 Assembly Bill No. 1317
 Assembly Bill No. 1483
 Assembly Bill No. 1634
 Assembly Bill No. 1921
 Assembly Bill No. 2161
 Assembly Bill No. 2212
 Assembly Bill No. 2729
 Assembly Bill No. 2858

ARTHUR A. O'HINIMUS, Chief Clerk of the Assembly
 By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 3—An act to add Chapter 8 to Part 1, Division 2, Title 2 of the Government Code, relating to influencing the passage or defeat of legislation.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 509—An act to amend Sections 2701, 2709, and 2875 of the Penal Code, relating to the employment of prisoners in state prisons and the disposition of prison-made goods.

Referred to Committee on Judiciary.

Assembly Bill No. 554—An act to amend Section 28117 of the Government Code, relating to compensation for public services in counties of the seventeenth class.

Referred to Committee on Local Government.

Assembly Bill No. 567—An act to amend Section 6535 of the Business and Professions Code, relating to barber colleges.

Referred to Committee on Business and Professions.

Assembly Bill No. 581—An act to amend Section 28149 of the Government Code, relating to compensation for public services in counties of the forty-ninth class.

Referred to Committee on Local Government.

Assembly Bill No. 625—An act to repeal Section 586.5 of, and to add Sections 39.7 and 586.5 to the Vehicle Code, relating to the operation of tow cars.

Referred to Committee on Transportation.

Assembly Bill No. 640—An act to amend Sections 1, 2, and 3 of "An act to regulate the caravaning of vehicles upon the public highways of this State, defining the term caravaning and providing for the licensing of vehicles in caravan for the privilege of using the public highways and for the cost of regulating persons engaged in caravaning and providing such fees shall be a lien and for the enforcement of such liens and the collection and disposing of such fees and imposing penalties

for violation thereof," approved July 1, 1937, relating to the definitions of the terms employed therein.

Referred to Committee on Transportation.

Assembly Bill No. 827—An act to amend Section 39.1 of the Unemployment Insurance Act, relating to benefits.

Referred to Committee on Social Welfare.

Assembly Bill No. 918—An act to amend Section 829.5 of the Agricultural Code, relating to experimental containers for fruits, nuts and vegetables.

Referred to Committee on Agriculture.

Assembly Bill No. 1101—An act to amend Sections 690 and 690.26 of the Code of Civil Procedure, relating to exemptions from executions.

Referred to Committee on Judiciary.

Assembly Bill No. 1317—An act to amend Section 28129 of the Government Code, relating to compensation for public services in counties of the twenty-ninth class.

Referred to Committee on Local Government.

Assembly Bill No. 1483—An act to add Section 801.5 to the Agricultural Code, relating to the marketing of juice grapes.

Referred to Committee on Agriculture.

Assembly Bill No. 1634—An act to amend Section 26743 of the Government Code, relating to sheriffs' fees.

Referred to Committee on Local Government.

Assembly Bill No. 1921—An act to repeal Sections 3474 and 3474.1 of the Welfare and Institutions Code, relating to the responsibility of relatives of partially self-supporting blind persons who are receiving public assistance.

Referred to Committee on Social Welfare.

Assembly Bill No. 2161—An act to amend Section 204a of the Code of Civil Procedure, relating to the appointment of jury commissioners and assistants.

Referred to Committee on Judiciary.

Assembly Bill No. 2212—An act to amend Section 402 of the Fish and Game Code, relating to licenses.

Referred to Committee on Fish and Game

Assembly Bill No. 2729—An act to amend Section 6816 of the Public Resources Code, relating to the disposition of moneys credited to the State Lands Act Fund.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2858—An act to add Section 1509.7 to the Elections Code, relating to measures submitted to the voters.

Referred to Committee on Elections.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 146

Senate Bill No. 1218

Senate Bill No. 405

Assembly Bill No. 696

Senate Bill No. 406

Assembly Bill No. 2425

Senate Bill No. 428

Assembly Bill No. 2426

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 52

Senate Bill No. 99

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 7; absent 5.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, April 4, 1949

MR. PRESIDENT: The Committee on Public Utilities, to which was referred:

Assembly Bill No. 1255

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 5; absent 2.

DESMOND, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 4, 1949

MR. PRESIDENT: The Committee on Public Utilities, to which were referred:

Assembly Bill No. 1253

Assembly Bill No. 2387

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 5; absent 2.

DESMOND, Chairman

Above reported bills ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 5, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Assembly Bill No. 72

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Finance.

Committee membership 13; committee vote: Ayes 10; absent 3.

COLLIER, Chairman

Above reported bill re-referred to Committee on Finance.

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to have the following report submitted by Assemblyman Ralph C. Dills, Vice

Chairman of the Joint Legislative Committee on Lending Transactions,
printed in the Journal:

ASSEMBLY CALIFORNIA LEGISLATURE

SACRAMENTO, California, April 1, 1949

*Hon. Goodwin J. Knight**President of the Senate**Hon. Sam L. Collins**Speaker of the Assembly**Members of the Senate and Assembly:*

I herewith submit a report as Vice Chairman of the Joint Legislative Committee on Lending Transactions, created by Senate Concurrent Resolution No. 14, Resolutions Chapter 30, Statutes of 1949, and continued by Senate Concurrent Resolution No. 37, Resolutions Chapter 82, Statutes of 1949.

Respectfully submitted,

RALPH C. DILLS, Vice Chairman

**REPORT OF THE VICE CHAIRMAN OF THE JOINT
LEGISLATIVE COMMITTEE ON LENDING TRANSACTIONS**

(Established By Senate Concurrent Resolution No. 14)

I

RECOMMENDATIONS

The following recommendations on the general subject of lending transactions in California are respectfully submitted to the Legislature:

- I. An investigation of lending transactions which will be a *real* investigation, "full, fair, and impartial," should be conducted by a committee of the Legislature composed of Members who have the time and the desire to gather all relevant facts and to expose all law violators and those who connive at law evasion.
- II. Section 4, subdivision d, of the Personal Property Brokers Act, as amended by Chap. 1220, Stats. 1945, Sec. 1, should be repealed, because it is the cause of and the legal excuse for most astounding and obnoxious lending practices.
- III. The maximum interest allowable on all loans in excess of \$300 should be fixed by the Legislature at not to exceed 10 percent per annum.
- IV. Lenders operating under the Personal Property Brokers Act should not be permitted to make any loans in excess of \$600, nor to take real property as security.
- V. The administration and supervision of the Personal Property Brokers Act should be transferred from the Corporation Commissioner, who has utterly failed in his duty to protect small borrowers, to the Superintendent of Banks or some other proper agency and adequate personnel provided to give effective supervision of loan brokers, which supervision *now* under the existing law is a charge against the loan brokers and not an expense to be borne by the State of California.
- VI. The Personal Property Brokers Act should be amended to prevent a loan broker from maintaining his offices in association or

conjunction with any other business or where any other business is conducted or transacted.

- VII. The advertising of loan companies should be rigorously supervised to prevent the circulation of false, misleading, or deceptive statements, but a provision of the law authorizing such regulation by the Corporation Commissioner should not be employed by him to prevent a loan broker from advertising that he gives low or the lowest rates in the community under the act, when in fact such advertising is truthful.
- VIII. All loans made under the act should be checked or investigated at least once a year.
- IX. If an investigation of the records of a loan broker discloses any considerable number of law violations or any considered practice or policy of law evasion, every license of such a broker should be revoked and never restored.
- X. A more vigorous, consistent, and alert policy of protecting the small borrower should be immediately inaugurated by Governor Earl Warren, who professes to be the enemy of loan sharks.
- XI. The Attorney General should immediately take court action to have the licenses revoked of all persons or firms found violating the law.

II

BACKGROUND AND REASONS FOR PRESENT LEGISLATIVE INVESTIGATION

The Present Situation in California

Abundant evidence exists to prove that today in California with respect to lending transactions involving amounts under \$300 as well as over \$300:

1. Widespread violations and evasions of the Personal Property Brokers Act occur;
2. The provisions of the law designed to protect small borrowers are not vigorously enforced by state officials but on the contrary are ignored and sabotaged;
3. An apparent conspiracy with master mind legal direction is now cleverly nullifying the laws intended to control the loan shark.

MAGNITUDE OF LENDING TRANSACTIONS UNDER PERSONAL PROPERTY BROKERS ACT

The importance of the subject investigated by the committee is indicated by the following data furnished by Edwin M. Daugherty on February 2, 1949:

Twelve Months' Period Ending September 30, 1948

Total number of licenses under act.....	439
Total number of firms or persons licensed.....	154
Total amount loaned.....	\$182,891,061.51
Total number of loans made.....	451,023
Average amount of each loan.....	\$405.50

One company reported only one loan of under \$5,000 and 62 loans comprising a total in excess of \$1,300,000, for an average per loan of \$21,113.96.

Testimony before the committee revealed that this same company made a single loan of \$340,000 taking both real and personal property as security.

Thus an act designed to protect small borrowers who give personal property as security has been perverted into an instrument whereby tremendous loans can be made with practically no controls over the operations of the lender, no ceiling as to the interest charged, and no danger of prosecution for usury.

REQUEST TO THE ATTORNEY GENERAL

On November 22, 1948, I addressed a letter to the Attorney General of California, in which I described conditions then existing and still existing with reference to the administration of the loans designed to protect small borrowers.

It is to be noted that all charges made in my letter to the Attorney General have been substantiated by evidence subsequently made available to the public as a result of the investigations demanded by me.

RESPONSE OF ATTORNEY GENERAL TO MY LETTER OF NOVEMBER 22, 1948

Before the convening of the Legislature in January, 1949, the Attorney General employed Mr. George W. Rochester as a Special Deputy Attorney General to examine the facts alleged in my communication.

Mr. Rochester supervised an investigation, necessarily limited in scope because of lack of time and funds, but he found abundant evidence supporting my allegations.

It was revealed that violations and evasions now occurring fall into seven classes, which are explained and analyzed in detail in his full report which was given to the committee and which is incorporated hereafter.

SEVEN TYPES OF VIOLATIONS

- I. The use of a "waiver" letter on insurance,
- II. Receipt of income from insurance commissions, when licensee is not insurance broker or agent,
- III. Diverting insurance commissions as compensation for work done or services rendered as licensee,
- IV. Collaboration with furniture, piano, or other dealers who write 1 percent per month conditional sales contracts,
- V. Failure to post rates plainly,
- VI. Overcharging,
- VII. Requiring collateral sale or agreement as precedent to loan.

III

THE NEED FOR A REAL LEGISLATIVE INVESTIGATION

It is evident that no serious or determined effort was made to conduct a "full, fair and impartial" investigation of the operation of personal property brokers as required by the joint resolution creating the committee.

At the first meeting of the committee a resolution was presented by me calling for the appointment of subcommittees with authority to employ needed personnel to assist the committee to study, analyze, and

ascertain all facts and matters relating to this subject. Although this is the usual and customary procedure, the majority of the committee voted down the resolution.

At the second meeting on January 28, 1949, the majority of the committee over my protest and opposing vote hired a young attorney as counsel for the committee who admittedly had no investigating experience. He admitted that at the time he was employed he was the attorney for a personal property broker and in fact had a case pending for the loan company upon which a hearing was to be held on March 10, 1949.

It is further significant to note that this attorney was recommended by a firm of attorneys with whom he was formerly associated and who had filed a brief in behalf of the loan company in the case of *Carter v. Seaboard Finance Co.* then pending before the California Supreme Court.

I am sure the public approves of my protesting against the employment of one who at the time was retained by one of the very companies that we might desire to investigate!

The majority turned over to this young loan company attorney the entire matter of the type, kind and nature of the investigation, and but for two or three named individuals he selected those whom we were to question.

It later developed that he recommended the hiring of three employees—two accountants and a secretary. The testimony of one of these employees discloses either an apparent failure of the committee counsel to understand the nature of his duties or a deliberate determination to make only a casual or surface examination.

In response to committee counsel's question "what instructions were given or requests made of you with respect to carrying out of your activities?" the certified public accountant hired by him stated:

"I was requested to make a limited review or test in collaboration with auditors of the Corporation Department to determine what the regulatory examinations of the commissioner's staff is designed to develop. I was instructed to report any findings I developed."

His first step, he reported, was to go to the office of the Corporation Commissioner, where he met the commissioner and his assistants. He was given a desk in the office and was treated with every courtesy by the staff of the commissioner.

Five loan companies were selected but only four inspected. This committee employee was accompanied and assisted by the Corporation Commissioner's aid.

Only 10 out of 889 loan accounts with a face amount of \$392,000 were checked by them at the first company. Ten out of 511 loans of \$417,000 were inspected at the second place.

It is to be noted that at this second establishment there was on file a letter from a staff member of the commissioner reporting 15 "exceptions" or violations disclosed by a prior regulatory audit.

At the third place, only three or four loan accounts out of 372 for a face value of "some ten thousand odd dollars" were examined.

At the fourth place 20 loans out of 69,525 accounts of a principal amount of \$33,672,000 were examined. This was a branch of a chain of 33 licensees operating in California and also in about twenty other states. There were five overcharges and three so-called undercharges disclosed

on this sampling of but 20 loans. Two irregularities of another nature were also noted.

No satisfactory reason was given for the failure to investigate the fifth company. This particular company was chosen as representative of those few loan brokers operating solely a money-lending business and having no other type of business on the same premises. *Just another example of an important assignment left undone by the committee's counsel!*

The foregoing summary of the "investigation" as directed by the committee counsel points up the pitifully inadequate effort which he made to ascertain the complete facts.

It is difficult to conclude other than that the counsel either had no ability or no desire to perform his duties in a thorough and complete manner. The type of witnesses whom he selected and the manner in which they were interrogated clearly manifested an intent to develop testimony favorable to the Corporation Commissioner. His efforts to protect the commissioner were so apparent that the special attorney general at one point was constrained to remark: "You seem to be attorney for the Commissioner of Corporations." (Page 33, February 19, 1949, transcript.)

IV

ATTORNEY GENERAL'S REPORT ON LENDING TRANSACTIONS IN CALIFORNIA

The report of the Attorney General on facts revealed by his investigation of lending transactions in California follows. Introductory material and exhibits in the appendix are not here included because of space limitations. In order to emphasize certain most significant findings and revelations, portions of the report are italicized which do not appear in italics in the original. Every instance where emphasis is added is indicated.

TEXT OF ATTORNEY GENERAL'S REPORT

Therefore, we submit to you gentlemen the result of our investigation and will explain to you what we found by our work up to this time:

1. Other Businesses

With the exception of the larger five or six loan companies, a sizable segment of licensees engage in other businesses in addition to the loan business operated under the license granted them by the Corporation Commissioner.

This is permissible under the last paragraph of Section 16 of the Personal Property Brokers Act, by receiving the authority in writing from the Corporation Commissioner to do so. *From our investigation of the files of the commissioner we found no instance where such authority was ever denied a licensee.* (Emphasis added.)

The other businesses in the majority of cases were insurance agencies or brokers, mortgage businesses or the business of handling and financing conditional sales contracts and consolidating written indebtedness of various kinds and classes.

These other businesses usually require a separate license from the municipality wherein they are conducted and the Insurance Code of California requires insurance brokers and agents to have a license. In a

great majority of cases the licensees we interviewed had no city business licenses to conduct these businesses, other than the lending of money, and we saw few licenses from the Insurance Commissioner permitting them to operate an insurance business.

2. Some Methods for Added Charges

The Personal Property Brokers Act provides in Section 20, paragraph 6, that any profit of any kind whatsoever that a personal property broker receives in connection with any loan of \$300 or less shall be deemed a charge. Under Section 17 all charges shall be included in the rate of 2½ percent per month on the first \$100 and 2 percent per month on the unpaid balance of \$300. The only exception is that a licensee can receive commissions on insurance written but only as a licensed insurance agent or broker. If the insurance is taken out in its favor, then it must waive the one-half of 1 percent on the first \$100 of the loan. Likewise it must waive the one-half of 1 percent on the first \$100 if the property is insured in its favor or there is a loss-payable clause running to the benefit of the licensee in the policy.

We found many instances of violations ranging from acceptance of portions of an agent or broker's commission by the licensee without any license from the Insurance Commissioner, to a subterfuge of designating an officer or prime employee of the loan company as a solicitor who ostensibly receives the commission from the personal property broker. (Emphasis added.) The fact in most cases is that the commission is received as part of the salary for services of the officer or employee to the personal property broker, thereby unlawfully enriching and benefiting the personal property broker over and above the legal charge permitted on the loan.

The method of taking the insurance commission by the licensee through the explained salary to an employee or officer is contrary to the act, for the act requires that no benefit shall be received by the licensee other than the statutory rate. The licensee itself must be the insurance broker or agent to lawfully retain the insurance commission.

The device of crediting the insurance commission to the employee or officer as a solicitor *is an unlawful stratagem*, (emphasis added) for the act does not recognize a solicitor, a solicitor being defined by Section 34 of the Insurance Code as an employee of an agent or a broker.

So we found in the great majority of cases that the personal property broker *received or benefited by an additional* (emphasis added) profit from the insurance commission charge in addition to the one-half of 1 percent on the first \$100 loan, regardless of whether the insurance insured the personal property broker against loss or that there was a loss-payable clause running to the benefit of the personal property broker in the policy.

We do not want to be understood that all licensees require or compel the borrower to take out new insurance. We will give you an example of the licensee that compels the borrower to take out a new policy of insurance and in addition this licensee compels each borrower to join an automobile club at a cost of \$15 extra. *Further investigation discloses that the automobile club pays the rent and the salaries of the executives of the personal property broker. This violates Section 20, paragraph 5*

of the act. The officer interviewed told us the Corporation Commissioner has known about this for years but has not disapproved the practice. (Emphasis added.)

3. Conditional Sales of Furniture

We found many licensees in close alliance with retail piano or furniture stores who advertise and sell furniture on credit. This connection between the licensee and the retail furniture or piano establishment is so intimate that many furniture and piano stores are furnished a blank form by the personal property broker upon which the purchaser of the furniture or piano signs his contract to pay for the merchandise on the installment plan. In many instances these blank forms contain the name of the licensee and inform the purchaser that his conditional sales contract will be sold to the personal property broker and his payment upon the contract will be paid to that personal property broker.

Here is the practice and procedure followed by the piano and furniture retailers and how the licensee profits on the conditional sales contracts: For example, suppose a buyer buys a furniture commodity but is unable to pay for his purchase in cash. The dealer prepares a conditional sales contract containing all the usual whereases and wherefores of legal verbiage and the intricate description of where title resides during the term of the sales contract. Then is set forth in the blank prepared on the form the financing of the sale. First, the total cash price for the personal property. This is followed by a space providing for a trade-in, if one has been accepted by the dealer. Then we have the net cash purchase price. After that, there is a blank to enter the cash down payment the buyer made, leaving a balance unpaid; add to this the cost of insurance, which is usually sold to the buyer by the dealer or some employee of the dealer. *To this amount there is added what is called a "carrying charge."* We know of no authority in law for this carrying charge if it exceeds the statutory rate of interest. (Emphasis added.) It usually amounts to 1 percent a month on the total amount of the balance due on the contract plus the insurance cost. With the added carrying charge we now have the total amounts agreed to be paid on certain terms for an agreed amount on agreed subsequent dates.

In 1945, Section 2982 of the Civil Code was amended to give to automobile dealers what is called a "time price differential" which in practice is an addition of 1 percent per month upon the balance due on a purchase price of an automobile. The method used to compute this additional charge is to add 1 percent per month on the unpaid balance at the inception of the contract, times the number of months the contract is agreed to run counting a part of a month a whole month. *Here is at least a charge rate of 23 percent per annum, the loan being amortized by the conditional sales agreement. There is nothing in the law, so far as we are able to find, that allows any other mercantile dealer other than an automobile dealer, to add this 1 percent on an executory conditional sales contract. (Emphasis added.)*

However, we found this the practice of all piano and furniture dealers who sell on the time payment plan and later discount the contract to a personal property broker. (Emphasis added.)

The last entry on the contract then provides for the balance due, which is now the balance due on the price of the thing bought, plus the

insurance premium, plus the "carrying charges" of 1 percent per month. The personal property broker buys this conditional sales contract for the sum due, which is the balance due on the thing purchased and the insurance cost less 1 percent discount. The licensee received the so-called "time price differential" of 1 percent a month thereby balancing the 1 percent discount he paid for the sales contract.

After that the personal property broker writes the borrowing buyer informing him that they own his contract; that payments shall be made at the licensee's place of business, and the letter always assures the borrower that he is welcome to borrow additional money any time he needs it. The borrower is frequently written letters soliciting him to make further loans at any time. *In a substantial percentage of cases the borrower during the term of the contract borrows more money. So much so that the personal property broker's trade calls this kind of contract sales business, "builders" for personal loans.* (Emphasis added.)

When the purchaser-borrower applies for a personal loan instead of the licensee following the law under which it is permitted to operate its business, and executing a separate loan, it informs the borrower it can lend him more money, but must consolidate the amount he now desires to borrow with the balance due on the conditional sales contract. *The personal property broker's trade calls this procedure "flipping" the account.* (Emphasis added.)

The new debt, being a personal loan and no longer a conditional sales contract, now costs the borrower $2\frac{1}{2}$ percent a month on the first \$100 and 2 percent on the unpaid balance.

If you gentlemen will scrutinize the transaction you will see that the dealer is usually agent for the personal property broker in arranging the terms and additional charges on the conditional sales contract. Whether he is an agent or the principal, *he is guilty of usury when he adds the "time price differential" to the balance due on the purchase price and the same exceeds 10 percent per annum.* (Emphasis added.) It is obvious that it does.

If the licensee is the principal of the dealer and the dealer its agent, then the licensee is equally violating the usury law of a maximum of 10 percent per annum in substance by this subterfuge of charging 1 percent per month under the entry—"carrying" charges. When the "flipping" of the sales contract is thereafter made a condition precedent to granting the additional new loan there is an added violation, by reason of the same being a collateral sale or agreement denounced by Section 20, paragraphs 5 and 6 of the act.

If the licensee is not the principal of the dealer but discounts the dealer's paper at 1 percent per month on the balance due on the original purchase plus the insurance charge, it violates the act for the reason the borrower then pays the licensee the 1 percent per month "time price differential" and $2\frac{1}{2}$ percent and 2 percent on the sum total of the balance due on the purchase price, plus carrying charges, when he "flips" the account. *The interest then received by the licensee on the conditional sales account, now merged into a personal loan, is approximately 47 percent a year, and more in many cases.* (Emphasis added.)

There is another form of conditional sales contract used by many dealers and personal property brokers. This form merely states that such a sum was paid for merchandise and that the amount so paid shall

be paid in so many monthly installments, together with the legal prerequisites to make the contract one of conditional sale.

In cases where this sort of contract is used there is no legal way by which one can prove from the fact of the contract that it may be usurious and so the dealer is absolved. But this form of contract allows great flexibility at the time it is discounted by the personal property broker, for the elements of the amount agreed to be paid by the borrower are not itemized. However, when this sort of contract is "flipped" the personal property loan then executed by the licensee usually has the violations hereinabove specifically explained. The statement of the loan does not show these violations but the extra charges are ascertainable by the checks issued to the borrower at the time of the "flip," then cashed and money returned to the licensee.

We have had many licensees, endeavoring to justify the "flip" transformation, tell us that the act will not permit them to make two loans to one borrower because of the prohibition provided in Section 17, paragraph 2, of the act from splitting loans. This has no application if the dealer and the licensee are separate entities. The conditional sales contract is not the loan of the licensee. *If, however, the licensee contends that the conditional sales contract and the additional money loaned under the Personal Property Brokers Act is one loan, then it has admitted a conspiracy to violate the act, for, through this "flip" arrangement, the dealer and the licensee have conspired to violate the usury law and the Personal Property Brokers Act.* (Emphasis added.)

We found nothing in the files examined in the Corporation Commissioner's office where any action has ever been undertaken to stop these violations of the law. (Emphasis added.)

4. Conditional Sales of Automobiles

The same situation prevails and the operational procedure is followed in almost exact form in automobile conditional sales contracts as we found, and hereinabove described and explained, in the conditional sales contract transaction of furniture and piano dealers and personal property brokers.

It must be remembered that the Legislature in 1945 amended Section 2982 of the Civil Code to legalize the "time-price differential" for only automobile dealers on their conditional sale contracts.

We found the same blank forms in the hands of automobile dealers, with the name of the personal property broker printed right in the contract form. The same solicitation to the purchaser for him to borrow more money and then the same "flipping" device, consolidating or merging the automobile purchase conditional sale contract into a new personal loan at $2\frac{1}{2}$ percent and 2 percent rates on the total contract price, carrying charges and the new amount loaned.

The only difference was that balances to be paid on automobile loans were larger than on furniture or piano loans. The same violations of the law, notwithstanding the 1 percent per month received for the "time-price differential" being legal in automobile contracts. The receipt of this charge added to the balance due on the purchase price of the automobile is a violation by the personal property broker, for the personal property broker can receive only $2\frac{1}{2}$ percent and 2 percent per month on

the first \$300, and that includes all charges. This rate of charge is computed upon the purchase price of the merchandise, the insurance cost, the carrying charge plus the actual amount of money loaned when the contract is "flipped" to a new personal loan. So, therefore, when the licensee charged the statutory rate on not alone the amount borrowed but on the accumulated charges and purchase price amount which includes the time-price differential of 1 percent, the licensee violates the act. In most cases where the licensee is financing the automobile dealer it has set the terms of the sale provided, or "floored" the car, and supervised the dealer in all his negotiations leading up to the sale of the car.

Please understand when the licensee makes a personal loan it is not the same as a conditional sales contract agreement. The conditional sales contract agreement by being merged into the personal loan is of no further effect, either in fact or at law. Therefore, the licensee has charged a rate on a charge and has violated Section 17 of the act. The interest or rate usually received by the licensee on a "flipped" conditional sales account, now merged into a personal property loan, is approximately 45 percent a year, and more in many cases.

We found nothing in the files examined in the Corporation Commissioner's office where any action has ever been undertaken to stop these violations of the law. (Emphasis added.)

In no wise can the licensee claim protection under the act inasmuch as the transaction between the dealer and the purchaser on the conditional sales contract does not comply with the requirements of the act, namely, there is no separate statement of the loan showing the name, address, license number of the licensee, or the maturity of the loan contract to be not more than two years. In other words, a conditional sales contract of this class is not a loan under the act.

In addition to the violations described and explained on furniture and piano conditional sales contracts by personal property brokers and which are similarly violated by personal property brokers on automobile conditional sales contracts, there is another section of the act that should be considered.

We will point to it by a typical example of what is known as the "squeeze play": A purchaser bought an automobile and it was necessary for him to finance the balance due of \$2,000. The automobile dealer prepared the usual conditional sales contract adding on insurance and carrying charges or "time-price differential" amounting to \$300. In exactly five days the borrower required a personal loan. However, the licensee required the sales contract to be paid off by refinancing it into a personal property loan, thereby including the \$300 "time-price differential" as a part of the new personal loan with the usual $2\frac{1}{2}$ percent on the first \$100 and the 2 percent per month on the balance consisting of the \$2,000, plus insurance costs, plus the \$300, plus the amount that was borrowed in addition to the original indebtedness. The borrower paid \$300 for the use of a \$2,000 credit for exactly five days, in addition to the usual illegal rate of charge.

There are probably many such violations that could be cited to your committee if we had had the time to collect them. (Emphasis added.)

Also keep in mind that the act, in Section 21, paragraph 2, declares that any loan charge in violation of the rate provided makes the loan void, and "neither the licensee nor any other person shall have any

right to collect or receive any principal, interest or charges whatsoever." *There is no provision in the act for human error.* (Emphasis added.) The generosity of the Legislature in giving the personal property broker this high rate of charge holds him accountable to strict observance and he deals in his business at his peril. It is not like the Industrial Loan Act where provision is made for bona fide error in computation, or as is also in the case of Civil Code, Section 2982, relating to automobile sales contracts.

5. Overcharges on Rates

We found hundreds of reports of auditors to the Corporation Commissioner that accounts of borrowers showed they were being charged more than the legal rate on their loans. Pick up nearly any file in the commissioner's office and you will find these reports. In some instances the commissioner had followed up the overcharge report with a communication to the licensee—and that is all. In most cases, nothing could be found in the file to show any action to compel the licensee to abide by the law, or informing the licensee that such an overcharge voided the loan under the law. (Emphasis added.)

6. The Waiver Letter

When a borrower approaches a licensee for a loan, many times he has insurance on the collateral he offers the licensee for security. If the licensee requires him to provide that the licensee become the beneficiary under the insurance policy or a loss payable clause added to the policy in favor of the licensee, then under the law the licensee cannot charge the one-half of 1 percent on the first \$100 of the loan—it can charge only 2 percent.

We have not had time to trace the source of the ingenious method used by the licensee to evade the requirements and get the one-half of 1 percent additional rate, and yet have the benefit of the protection under the policy. *However, every licensee examined, with the exception of one, follows the method we will explain.* (Emphasis added.)

When the licensee ascertains that the borrower has insurance on the collateral, usually an automobile, the licensee produces the following letter. Mark you, gentlemen, this same letter with hardly the changing of a word has been found to be used by all licensees, but one, that we have examined. Here is the letter:

"GENTLEMEN:

This is to advise that I have this day mortgaged my ----- insured under your policy No. ----- with the (*personal property broker*).

The ----- company waives all rights and interest in said policy. They do not want to be named as an additional assured nor do they wish a loss payable clause in their favor.

To avoid any misunderstanding in event of loss, please notify me immediately if the foregoing is not acceptable to your company. If I do not hear from you to the contrary, I shall consider that the

foregoing meets with your approval and that my policy shall remain in full force and effect.

Very truly yours,

Assured

Approved

----- Company
By-----"

You see this is a waiver of loss liability by the licensee and then it can charge the one-half of 1 percent on the first \$100 or 50 cents additional each month that the loan is outstanding. For all practical purposes it is not a waiver of loss liability, for the insurance company places the letter in the file of the assured and if ever a claim is filed by the assured the insurance company for self-protection always notifies the licensee. The insurance company knows of the licensee's loan on the personal property, knows in fact and equity that the licensee may have a claim. When the insurance company notifies the licensee of the claim the licensee will, of course, and does take proper steps to protect its loan. The insurance company having been notified of the lien of the licensee does not care to engage in an interpleader action.

By this subtle procedure the licensee "has his cake and eats it too". It may sound petty—just 50 cents more a month, but when we tell you gentlemen on the basis of the Corporation Commissioner's report of the personal property broker's businesses in 1947 there were approximately 200,166 loans made by the licensees in California whereon the 50 cents could be charged by this method, the licensees then received an added possible \$100,083 each month, and enjoyed the quasi-protection on the insurance policies that the waiver letters furnished them. The loan cannot be more than twenty-four months unless "renewed" by a new loan to replace the old loan. So you see there is a gross profit of a possible \$2,419,920 to be made by the loan industry through this scheme. (Emphasis added.) These figures are based on the Commissioner's Report of 1947. When we have this report of 1948 with the increase in population, the number of loan accounts will be greatly increased. We say this by judging the increase in loan accounts for 1947 over those in 1946. In 1946 the number of loan accounts outstanding at the end of the year was 185,023. In 1947 they had increased to 416,790.

7. Renewal of Loans

On the average 46 percent of all loans made by a licensee are renewed. (Emphasis added.) This occurs when the borrower cannot make the payments or needs an additional amount of money. New papers and a new note are made for the renewal; the balance due on principal and rate of charge due on the old loan are merged into the renewal or new loan. The rate of charge on the old loan has now become a part of the principal of the renewed or new loan, and the rate of charge 2½ percent and 2 percent is charged upon it. Another example of a charge on a charge and clearly in violation of the Act under Section 17.

8. Licensees' Credit

We found that personal property brokers borrow from the banks from 25 percent to 75 percent or more of the money they loan. Large

loaning licensees get their money at a lesser rate of interest than the small licensee. For example, two of the larger chains doing business in California have a national line of credit of over \$38,000,000 each. The large companies pay from 1 percent to $2\frac{1}{2}$ percent per annum for this line of credit; the smaller companies pay from 4 percent to $6\frac{1}{2}$ percent per annum. In San Francisco the smaller companies get credit for 3 percent per annum.

The licensees interviewed told us that large companies loan on the average ratio of \$4 borrowed money to \$1 of their money; the small companies \$3 of borrowed money to \$1 of their money. Therefore, the licensee can lawfully loan money for 30 percent a year on the first \$100, and 24 percent per year on the balance loaned, which it borrows from 1 percent to $6\frac{1}{2}$ percent per year.

9. Posting Rate Charges

By Section 18, second paragraph 4, subsection c, of the act: "Every licensee shall display prominently in each licensed place of business a full and accurate schedule * * * of the charges to be made. * * *"

In our inspection of the business sites we found no standardization of these schedules; some were under the counter, behind the counter, high up on the wall, and in many places the schedule could not be found at all without the aid of the licensee.

We found in the Corporation Commissioner's files instances where he had written letters complaining of this lack of observance of the law. We found no follow-up report on whether the licensee had obeyed the commissioner's directives. (Emphasis added.)

10. Advertising

By Section 16 of the act, all licensees must submit all their advertising to the Corporation Commissioner and none can be used if the commissioner disapproves. In our inspection of the files of the licensees in the commissioner's office, we found reams of such submitted advertising. *We did not find any such advertising disapproved by the commissioner. (Emphasis added.)*

We did find a loan company in San Francisco who submitted copies of advertisements claiming the lowest rate on loans to the public, and mentioning that it loaned money for a rate of $1\frac{1}{4}$ percent per month on sums up to \$300, and 1 percent per month on amounts over \$300. The commissioner disapproved of these ads, notwithstanding the fact that this loan company was then and is now loaning money at $1\frac{1}{4}$ percent per month, and realizes more than 5 percent net profit per annum on its enterprise. (Emphasis added.)

11. Corporation Commissioner's Annual Report

A study of the commissioner's report, filed with the Governor for 1947 on October 1, 1948, is recommended to this committee. In arriving at an amount that can be defined as an average necessitous loan, a needy loan, you will see that the analysis on page 17 of the report shows more loans at \$300 or less rather than \$300 and over. The report shows that 59.94 percent of the total number of loans were from \$300 and less, with money represented being 24.83 percent of total money loaned; 41.06 percent of the total number of loans was for \$300 or more, with money represented being 75.17 percent of total money loaned. Viewing it from

another point, loans \$300 or less amounted to \$41,125,686.17; loans \$300 and more amounted to \$124,486,408.49.

By an analysis of these facts we were led to believe that necessitous loans, needy loans, ranged from \$50 to \$500.

Probably the depreciation in the value of money since 1916, when the amount of \$300 was computed for an average small loan, has caused the average to increase.

12. Members, Officers and Directors of Licensees

Section 8 of the act enumerates the standard to guide the commissioner in determining whether an applicant should be granted a license. It states, among other standards, that members, officers and directors are to be of such character and general fitness as to "command the confidence of the community and to warrant belief that the business will be operated honestly, fairly and efficiently."

While we were examining the files of licensees in the commissioner's office, we noticed criminal "make" sheets from the Department of Justice of names similar to the names of some of the officers, members and directors of the applicants. We, by reason of this, copied each name of the members, directors and officers of each licensee and ran the names through the criminal records of our Department of Justice. We have not completed this check, but found 261 names of members, directors and officers to be the same name of a felon's name or a person with a criminal record. *With the limited time and personnel we have not finished the check, only interviewing 126 in the time we had, but for the present we found 15 felons, or those with criminal records, are the same persons who are members, officers or directors of licensee companies.* (Emphasis added.)

We have been informed by a licensee that the commissioner circularized the licensees, the first part of February, 1949, and inquired if any felons were employed. You can understand how difficult this action, if true, would make our check because it would put all licensees on notice, and we daresay would prevent us from ascertaining the truth when we interviewed the subjects. (Emphasis added.)

The conclusion we have drawn from this situation is that probably a more rigid investigation of these members, officers and directors before licenses are granted would be a precaution to insure licensees greater confidence by the community, and warrant the public belief in the honest, fair and efficient operation by the licensee of his business under the act.

13. Responsibility of Administering the Act

The sole responsibility for the successful administration of the act rests with the Corporation Commissioner, appointed by the Governor. *Each year the commissioner must report by March 15th to the Governor. In the year 1947, the Commissioner's report was 7½ months late, being filed October 1, 1948.* (Emphasis added.)

The duties delegated to the commissioner under the act are:
1. Receive applications for licenses; 2. Investigate the applicants for financial responsibility, experience, character and general fitness; 3. Approve the bond filed by the applicant; 4. Administer and supervise the activities of licensees, with quasijudicial powers to regulate and revoke the license, including the censorship of the licensee's advertising;

5. Audit the books of each licensee each year at licensee's expense; and
6. Determine each year the renewal of each licensee.

Mr. Metzler informed us there are approximately four hundred fifty licensees at the present time, with about three hundred of such licensees under the jurisdiction of the Los Angeles Division of the Corporation Commissioner's office.

The commissioner's primary duty is to enforce the corporate security laws of the State. He also has been delegated the duty of administering in like fashion the Credit Union Act, the Industrial Loan Act, the Small Loan Act, and the new Escrow Act, exclusive of the responsibility of the enforcement of the provisions of the Property Brokers Act.

For the successful administration of these manifold duties, examinations, investigations and decisions, he has the assistance in Los Angeles Division of 5 investigators and 12 auditors, and 2 deputies. We have not been given the information regarding his personnel assistance within his San Francisco or Sacramento branch.

14. Conclusion

Gentlemen, we have concluded the report of the factual situation we found in our six weeks' investigation. The findings are supported by the evidence we have and that which you may subpoena from the personal property brokers that we have to this time interviewed and whose accounts we have examined.

We feel that the importance attached to your duties as members of this committee warrant your studied consideration and solemn contemplation of the revelations we have presented to you, for the good of the people of our State, and the financial structure of its credit stability.

V

WHAT THE 1945 AMENDMENT TO THE PERSONAL PROPERTY BROKERS ACT DOES AND WHY SECTION 4, PARAGRAPH (d) SHOULD BE REPEALED

In the 1945 session of the California Legislature an amendment of far-reaching consequences was made to the Personal Property Brokers Act. By this amendment Section 4, paragraph (d) was added to the act, exempting loans of \$5,000 or over from the principal provisions designed to protect borrowers.

Analysis of Legislative Counsel

I include here an analysis of the effects of adding Section 4, paragraph (d), made by the Legislative Counsel under date of March 7, 1949.

"STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, March 7, 1949

Hon. Ralph C. Dills
Assembly Chamber

Analysis of Chapter 1220, Stats. 1945—No. 3681

DEAR MR. DILLS: You have asked for our analysis of the amendment to the Personal Property Brokers Act effected by Chapter 1220, Statutes of 1945.

Chapter 1220 of the Statutes of 1945 added subdivision (d) to Section 4 of the Personal Property Brokers Act (Chapters 952 and 1044 of the Statutes of 1939), which provides:

"(d) The following provisions of this act shall not apply to any bona fide loan of a principal amount of five thousand dollars (\$5,000) or more, or to a duly licensed personal property broker in connection with any such loan, provided the provisions of this paragraph are not used for the purpose of evading this act: The fourth paragraph of Section 16; the third paragraph of Section

17; Section 18; the fifth and seventh paragraphs of Section 20; the second paragraph of Section 21.'

The effect of this amendment was to exempt from the restrictions contained in the enumerated provisions of the act, all loans in the principal amount of \$5,000 or more, and to exempt a duly licensed personal property broker from such provisions with respect to any loan of \$5,000 or more, but only if the exemption was not used for the purpose of evading the act.

The specific restrictions from which such loans are exempted are:

1. The fourth paragraph of Section 16.

This provision prohibits a personal property licensee from taking a lien upon real estate as security for a loan.

2. The third paragraph of Section 17.

This provision prohibits the paying, deducting or receiving in advance or the compounding of, charges on any loan; and requires that all such charges be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof, shall be expressed in such terms in any obligation signed by the borrower, and shall be computed on the number of days actually elapsed. It also prohibits any charges on loans that do not exceed \$300 which would in the aggregate exceed the limitations imposed by the act.

3. Section 18.

This section imposes numerous restrictions which require the licensee to:

- (a) Give the borrower a statement of the loan.
- (b) Procure from the borrower a signed statement as to whether any person has performed any act as a broker in connection with such loan.
- (c) Permit payments in advance.
- (d) Give receipts for all payments.
- (e) Upon payment in full to return the note and mortgage.
- (f) Display a schedule of charges and the method of computing them in each licensed office.

4. The fifth paragraph of Section 20.

This provision prohibits a licensee from requiring the borrower to enter into collateral sales agreements or contracts, and requires delivery to the borrower at the time of making the loan of the amount to be retained by the borrower equal to the face value of the loan and note evidencing the same.

5. The seventh paragraph of Section 20.

This provision limits the term of loan to 24 months.

6. The second paragraph of Section 21.

This provision makes void, both as to principal and interest, any loan where a violation of the act was committed in either the making of the loan or the collection thereof.

Thus under the amendment of 1945 (Chapter 1220), the provisions enumerated above are not applicable to any loan in the amount of \$5,000 or over. There is, however, the qualification that "the provisions of this paragraph (subdivision (d) of Section 4) are not used for the purpose of evading this act." Since the subject upon which the provisions of the amendment are made applicable are loans of \$5,000 or more, this qualification when read in connection with such subject would have the effect of vitiating the exemptions provided for by the amendment where the loan is made in an amount in excess of \$4,999.99 for the sole purpose of securing the advantages of such exemptions.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By BERNARD CZESLA, Deputy"

SIGNIFICANT CHANGES TABULATED

To recapitulate briefly the significant changes made by the 1945 amendment:

I. On loans of \$5,000 or over personal property brokers *may now*:

- (a) Make loans on real estate,
- (b) Deduct any amount of interest in advance,
- (c) Charge and collect *compound interest*,
- (d) Charge interest on a *monthly* basis even if the money were in use for only *one day* of a 30-day period,
- (e) Make loans in *unequal* installments, so that costly refinancing with additional charges will be necessary,
- (f) Avoid the restriction of charging interest only on unpaid principal balances,

- (g) Avoid the requirement that the interest charged or collected must be expressly stated on all documents connected with the loan.

II. On loans of \$5,000 or over, it is now legally possible for:

- (a) The borrower to be deprived of any written evidence that might be used against the lender as to what money he received,
- (b) The fact that a broker as well as a lender took part in the transaction to be concealed,
- (c) All written evidence to be destroyed at the time the loan transaction is consummated,
- (d) The lender to refuse payment in full of the loan in advance of due date,
- (e) The lender to refuse to give receipts for payments made by borrower,
- (f) The lender to retain canceled negotiable instruments after they have been paid in full,
- (g) The loan broker to practice the same abuses permitted the lender,
- (h) The lender and the broker to operate without posting their rate schedules or securing approval of such schedules from the Corporation Commissioner,
- (i) The lender to require borrower to buy a worthless article at a high price as a condition to getting the loan,
- (j) The lender to make loans of any duration, the present 24-month limitation being removed.

III. Loans over \$5,000 made in violation of the statutory provisions of the Personal Property Brokers Act are no longer void as to principal and interest.

IV. A statute governing real-property-secured loans of \$5,000 or over has been artfully grafted on to a personal property law for the protection of small borrowers. A full disclosure of the legal consequences and the nefarious and evil effects of this strange grafting yet awaits us.

Thus, to state in simple language what the 1945 amendment to the Personal Property Brokers Act does is to point out the very reasons why the amendment must be repealed.

VI

REPORT BY SPECIAL AUDITOR SECURED BY
COMMITTEE VICE CHAIRMAN

At the request of Vice Chairman Dills of the Joint Legislative Committee on Lending Transactions, Mr. John E. Miller was engaged to prepare an analytical report.

Mr. Miller is trained in statistical research. He was technical assistant to the Special Attorney General in his investigation of lending transactions, serving as "Special Auditor and Statistical Agent." No other trained research specialist in the State possesses the factual background which has enabled Mr. Miller to prepare the report which is printed herewith in full:

TEXT OF SPECIAL AUDITOR'S REPORT

To: *The Joint Legislative Committee on Lending Transactions
State Capitol, Sacramento, California*

The following analytical report was prepared under authorization of the Joint Legislative Committee on Lending Transactions, and at the specific direction of Honorable Ralph C. Dills, Vice Chairman of said committee. By direction of said vice chairman, said report was to be directed primarily to the following:

1. Reports of the Commissioner of Corporations upon operations of licensed finance companies for the years 1940-1947, inclusive, together with such portions of said report of 1948 as available at date hereof.

2. Summaries prepared upon report of personal property broker lenders submitted to Thomas & Moore, Certified Public Accountants employed by California Loan and Finance Association, to January 18, 1949, and covering operations for the year ended September 30, 1948, the same having heretofore been submitted to the individuals of the Joint Legislative Committee, with particular reference to the weight of said summary for the purpose of determining proper rate of charges for loans under this act.

3. The effectiveness of enforcement of the act by the Commissioner of Corporations.

4. The effectiveness of the finance company rules and regulations promulgated by the Commissioner of Corporations, under authority of the Legislature of the State of California, Chapter 952, Section 22, Statutes of 1939, and Chapter 1044, Section 22, Statutes of 1939, and in accordance with Title 2, Division 3, Part 1, Chapter 4, Government Code.

5. The effectiveness, as a means of determining practices and procedures of the finance companies under the act, of the annual information requested of licensees by the Commissioner of Corporations and used by him in preparing his report to the Governor.

A summary of the factual conclusions found are as follows:

1. Reports submitted by the licensees to the Commissioner of Corporations for the years 1940 to 1947, inclusive, and from such portion of the report for the year 1948 as are available at this time, indicate the following:

(a) That the gross profits made on personal property loans, on a monetary basis, under this act have nearly trebled in the nine years of operations under the act.

(b) That there has been a decisive trend by the finance companies away from loans of \$100 or less.

(c) That there has been a definite trend of finance companies to make loans over \$300 and consequently beyond regulation of the act.

(d) That since the amendment to the act in 1945, being known as paragraph 4(d) of the act, the original purposes of the legislation have been practically obliterated.

(e) That during the years 1940 through 1946, inclusive, there has been an increase of more than twice the amount of total operating expenses of the finance companies apportioned to supervision; that the year 1947 reflected a slight decrease in these items but that the year 1948 marked the beginning of a separation of the item of office salaries, management salaries, supervising and bookkeeping, with the effect that administrative and bookkeeping expense of the personal property broker

business as taken from the summary of the California Loan and Finance Association shows that item to be nearly one-half as much as all office salaries. Executive and management salaries as shown on the preliminary report of 1948 furnished by the Commissioner of Corporations shows this item to be more than one-half as much as office salaries; that the aforesaid items are in contrast to the steadily diminishing percentage of operating expenses devoted to office salaries in the years 1941 to 1948, inclusive.

(f) That said reports indicate a constant and monetarily increasing expenditure by the finance companies for advertising.

(g) That the sum as reported under caption Assets "Used and Useful" may be misleading as to the actual number of dollars used in the conduct of personal property broker business without further segregation and supporting data.

2. The summaries submitted by the said California Loan and Finance Association are of value in determining the proper rate of charges for licensees under this act only if the theory of operation and accounting espoused by said association is adopted by the Legislature.

3. Enforcement of the act by the Commissioner of Corporations throughout the period of its statutory life, has been effective in the matter of over-all supervision of the finance companies but ineffective as to practices and procedures directly affecting the borrower.

4. The rules and regulations promulgated by the Commissioner of Corporations for the supervision of the finance companies are insufficient and entirely lacking in some instances respecting alleged illegal and voiding practices and procedures engaged in by the finance companies under the act.

5. The information required annually of finance companies under the act by the Commissioner of Corporations is ineffective for the purpose of determining actual dispersal of funds of the finance companies under the act and information respecting the alleged illegal and voiding practices and procedures of the finance companies under the act.

ANALYSIS

NOTE: Believing an explanation of the viewpoint of the writer may be of some value in evaluating the following, it is herewith stated that the writer's first experience with the practices and procedures of the finance companies and others licensed under the Personal Property Brokers Act began with his appointment by the Attorney General of the State of California and Honorable Geo. W. Rochester, Special Assistant Attorney General for the investigation of personal property loan practices and procedures in California, as a special auditor and statistical agent for this investigation. No unhappy experiences with licensees under this act had been occasioned nor had the writer in any other manner whatsoever dealt with, represented or even been particularly interested in any of the current licensees or any others who may have been licensees under this act. Consequently the information included hereafter is as unbiased and unopinionated and factual as human frailties will permit and investigation personally made or supervised throughout the State of California will suffice. For the record, it probably should be stated that nothing has occurred during the investigation for the Attorney General or thereafter or at all to prejudice the writer against finance companies under this act, as such, nor any of the owners, officers, employees or attorneys of said licensees. On the contrary, the writer has been impressed for the most part by the character of the men engaged in the ownership and control and supervision of this business, and hereby acknowledges that so far as is known to him, the cooperation has been freely extended.

Basically, it may be said that the conflict herein evinced arises of a diametrical contrast in fundamental conceptions of the basic purposes and intentions of this specific legislation. Before beginning his field investigation, as aforesaid, the writer studied the report of the Assembly Committee in 1935 respecting the need for the

legislation that later resulted in this act, and the underlying purposes and fundamental concepts of such legislation. Discussions with and instructions of Assistant Attorney General Geo. W. Rochester together with the aforesaid study predicated the scope, tenor and direction of the investigation. The aforesaid also accounts for the writer's viewpoint. Briefly stated, the aforesaid divergence of viewpoint is that the writer conceives by reason of the foregoing that the purposes of this act were and are to provide service and protection for the necessitous borrower within a monetary field of \$300 to \$500 or less, while it is submitted that the viewpoint of the finance companies is that they operate an entirely commercial venture which is entitled to all the privileges and rights of business in general and yet takes unto itself, also, the privileges, powers and protection provided by the act, unhampered and unrestricted by mandate and responsibilities under the act.

I.

In the report of the Commissioner of Corporations for the year 1940, that being the first year for which report was made of operations of finance companies under the act, relatively and approximately, the gross profits of the finance companies in comparison to the reported expense, the net profit, the percentage of the operating expense attributed to advertising, the proportion of the loans \$100 or less face value, proportion of the loans over \$300 face value and the apportionment of operating expenses made to office salaries, supervision and executive and management salaries are as follows:

Year	Gross profit (000)	Expense (000)	Net profit (000)	% adv.	% \$100 or less	% over \$300	% off. sal.	% supv.	% exec. & mgmt.
1940 --	6,723	6,621	102	11.13	16.6	38.5	27.06	4.24	0
1941 --	8,348	6,317	2,031	10.8	13.	45.6	32.29	6.31	0
1942 --	8,158	6,236	1,922	11.09	14.	43.9	33.19	5.10	0
1943 --	6,174	4,828	1,346	11.42	11.	47.4	34.68	6.00	0
1944 --	7,119	5,374	1,745	10.4	6.7	62.	33.21	7.08	0
1945 --	8,431	6,426	2,006	10.24	4.	69.	32.04	10.33	0
1946 --	11,798	8,784	3,015	10.35	3.9	70.44	30.37	10.91	0
1947 --	16,639	11,992	4,647	8.71	3.55	75.17	29.92	10.51	0
1948 --	17,399	9,170	4,609	9.3	3.75	76.	34.	11.	12.

NOTE: Complete tabulations for the year 1948 are not available; consequently, the figures for that year have been approximated from partial reports from the Loan Association and the Commissioner of Corporations. It will be noted that the item of Executive and Management Salaries appears for the first time in 1948.

Conceded that all inferences to be drawn herefrom are to be those of the reader and not of the writer, it may yet be proper to point out from the foregoing tabulation the general trend of the finance business under the act. Succinctly, gross profit has nearly trebled, while expense, using but not admitting figures of the loan companies, patently has only doubled. The net profit appears to have quadrupled.

The trend of the finance company business, either by design or otherwise, is definitely away from transactions under regulation of the act. While in the early years of the act, there was an active field \$300 or less in amount, of which the tabulations reflect what relatively small percentage was apportioned to loans of \$100 or less, it is evident that beginning with the year 1944, the finance companies began a distinct move away from loans under regulation of the act, a trend which continuing under the present statutory situation for a relatively few more years may remove the finance companies entirely from the field of necessitous loans in the sum of \$300 or less. In connection therewith the figures furnished by the loan association to the effect that 94.42 percent of the total loans made (Summary, sheet 4) in 1948 were at the rate of 2½-2 percent or 2 percent per month, definitely indicates that the finance companies even though virtually abandoning the field in which they were intended to

function under the act, and thereby failing to supply the economic need which has ever been a fundamental basis of this legislation, do not, nonetheless, intend to abandon the cloak of immunity from the usury law presently bestowed on them by a generous Legislature. Would not also a fair inference be from the tabulation that the operations of the finance companies are becoming more efficient as reflected in the steady decrease of percentage of operating expenses accounted for by office salaries. The steadily increasing amount of operating expenses accounted for by supervision through the year 1948, together with the entirely new operation expense charged to executive and management salaries might merit the attention of those seeking information for the purpose of establishing a reasonable charge within the equitable purposes of this act. Before leaving this subject it may be well to state that the investigation of the Attorney General developed that at least one entity was paying an executive salary of \$30,000 per annum to one or more of its executives; that at least one entity was paying year-end bonuses to its employees; that the same entity was paying heavy interest rates well above the financial market upon a sizeable portion of its funds used in this State to selected investors.

The tabulation of proportionate funds spent in advertising by the finance companies has been included for the reason that such expenditures receive the attention of the Commissioner of Corporations in his first annual report in 1940. There, in substance, he stated that the expenditure was heavy but was unlikely to recur in subsequent years being prompted in this instance by the entry into the loan field of California of an eastern company, who had purchased the accounts receivable of some California licensees and ex-licensees. However, the tabulation reflects that the commissioner's prophecy was not borne out. A reading of the commissioner's reports throughout the years this act has been in operation, with the possible exception of the last two, evidences his strong interest in and understanding of the elementary purposes of this legislation. Each year he has watched with mounting anxiety the lessening of the percentage of loans of \$100 or less face value to the total amount of loans made. The objectivity of Mr. Daugherty, Commissioner of Corporations, was expressed by him at the public hearings held on this act in Los Angeles when he stated that it was not his policy to interfere in matters of legislation.

In line with the general trend, attention should be called to the interim report of the auditor for the Commissioner of Corporations for the year 1948 wherein (Page 5) he reports that more than 53 percent of the total face value of all loans in 1948 ranged between \$500 and \$5,000; $2\frac{3}{4}$ percent of the face value of all loans were in excess of \$5,000 totaling \$5,075,955.41 and that these loans were made principally by two entities and accounted for nearly 72 percent thereof. Interesting, too, is the information from the said report (Page 5) that six of ten entities with seven licenses made no loans of less than \$300 while two of the ten made no loans of less than \$500.

At the public hearings in Los Angeles where the figures of the loan association were presented, issue was taken with the interpretation given them by the accountants for the loan association. This issue was voiced by Carl G. Meiners, auditor, Division of Corporations, on the question

of "assets used and useful" in the loan business. This is not the first occasion upon which the Commissioner of Corporations has questioned the practices and procedures of the finance companies in regard thereto. In his report of 1946, the Commissioner of Corporations stated (page 5) that the sum therein reported under "Assets Used and Useful" in the loan business undoubtedly included arbitrary estimates without segregation or supporting data and therefore is probably erroneous as to the actual number of dollars used in conduct of personal property business. The same year his report stated that the annual report required of personal property brokers would be amended to provide for such segregation and supporting data. However, it is evident from the foregoing that a controversy still exists between the Commissioner of Corporations and the finance companies as to the proper evaluation of assets used and useful in the personal property broker business, despite the amended reports now being compiled by licensees.

II

That which has hereinbefore been said regarding the efficiency of summaries submitted by the California Loan and Finance Association for purposes of the determination of a fair and reasonable rate of charge can be here reiterated. Here is the conflict referred to in the writer's explanatory note preceding this analysis. In support of their figures the Loan Association submitted as part of their exhibit a monthly letter of the National City Bank of New York on Economic Conditions and Government Finance dated April, 1948. The fact that the date of the report antedated the date of its presentation almost a year may be disregarded for the moment in order that the effect of its introduction be appraised. In other words, this is part of the evidence the writer presents to demonstrate that the finance companies under this act consider themselves a commercial industry comparable with and entitled to all the privileges of the industrial groups set forth in the said letter. However, they totally ignore the point that their business exists by sanction and with protection of the law. That cannot be said of bacon, dairy products, meat packing, clothing and apparel or any of the other groups included in the said groups with the possible exception of the public utilities therein named. With regard to the public utilities whose rate of return is probably not too much out of line with even the admitted return of the finance companies, the well known mandatory provisions of such an arrangement are totally absent in the finance companies' business under this act. Thought might be given to the question of whether the finance companies would be willing to accept regulation which would take from them the greater part of their discretion in the making or denial of loans. Would they care to submit to the discretion of the government as to how many licensees should be permitted to function under this act? Without attempting an answer to the foregoing or other questions which have probably occurred to the reader, the writer submits that under the circumstances of this case, the analogy of the said letter has no basis.

Comment is probably in order respecting the graphic exhibit submitted by the loan association under title of "Licensees Under California Personal Property Brokers Act—Size of Loans in Relation to Inflation." For the information of the reader who has not seen the exhibit, a brief description is included. The exhibit is a rectangular

figure divided vertically and horizontally. The vertical divisions represent years 1940 to 1948, inclusive. The horizontal divisions serve three representations: That of the consumer price index ranging from 60 to 220; average weekly earnings of factory workers in the United States, ranging from 15 to 55; and the average loan and balance size ranging from 90 to 440 dollars. On the face of the exhibit have been drawn distinctive lines corresponding with fluctuations of the respective values. For instance the weekly earnings are denoted by a solid line. The Consumers Price Index is denoted by a broken line of small segments. The average size of loans made in California is denoted by a broken line of large segments. The average balance per loan outstanding in California is denoted by a line divided into large segments, each of which is separated by two dots. Visually, the import of this exhibit is that the average size of loan made in California has maintained a fairly constant relationship with the average weekly earnings of workers, and even now shows to be proportionately less than the latter. The Consumers Price Index and the average balance per loan outstanding in California are similarly depicted. However, what does not at first register upon the eye is the fact that the Consumers Price Index scale and the average weekly earnings scale are in direct proportion but that the scale for the average loan and balance size is not in proportion. The reader must draw his own conclusions as to why this visual misrepresentation was made, but for the purpose of the reader's information, it may be stated that if this chart had truly and proportionately reflected its values, the line showing the average loan and balance size would have run off of the page and no doubt have brought to the critical attention of the Legislature the relationship of this finance business under the act to the workers' weekly earnings and the Consumer Price Index.

Another conflict between the writer and the finance associations arises in the question of the borrowings or liabilities set forth on the loan association's summaries and which constitute by its computation an excess of 64 percent of its total assets (sheet 2). The investigation conducted by the Attorney General developed considerable basis for the contention that these borrowings or liabilities were not such within the commonly accepted definition of the terms and definitely not borrowings and liabilities within the meaning of the terms as applied to the ultimate borrowers under this act. The evidence educed by the investigation was to the effect that the so-called borrowings or liabilities of the lenders approached as nearly five to one a ratio based upon the capital invested as could be obtained. The investigation developed that the so-called "borrowings" were of two classifications:

1. In the instance of national organization, they took the character of lines of credit established in the finance company's favor by a combination of banks located throughout the Country.

2. In the case of small or local finance companies, loan credits were established with individual banks or other financial institutions. A distinguishing characteristic of this later is that the loan contracts, and security therefor executed by the borrowers, is immediately hypothecated to the bank or other financial institution. It is also true in the latter case that a minimum balance was required to be maintained by the finance company in the bank or financial institution.

The difference between this type of borrower and borrowing as known to individuals lies in the fact that finance companies were charged only for their funds while they were being utilized as personal property loans and earning the high rate charged under the act. Therefore, the liability so far as the finance company is concerned should be and is only to the extent of the funds actually outstanding. The picture is still further tempered by evidence to the effect that the loan policies of the finance companies under this type of arrangement and insofar as so-called borrowers' funds are lent by the finance companies are dictated and supervised by the banks and that the purpose of the required minimum balance is to permit the bank to discontinue the arrangement without notice and to insure it against any possible loss thereby. Substantiating this fact is the supervisory department maintained by the banks to insure that the finance companies conduct their operations within prescribed limits.

Mr. Emil Harrison, now vice president of the Seaboard Finance Corporation and chairman of the Executive Committee of the California Loan and Finance Association, in substance verified this when appearing before the committee in Los Angeles on February 22, 1949, he stated (Rep. Tr. Page 179, line 18) he had entered the finance business in 1925 with a capital of only \$1,500. Yet, in his first year of business, his volume of business was \$200,000, of which \$100,000 in accounts were outstanding at the end of the year. The obvious facts are that Mr. Harrison used his \$1,500 for the purpose of establishing a credit relationship with a bank or other financial institution whereby he might discount or otherwise arrange for credit upon the loan or conditional sales he made. This is essentially the same system used today with the exception of those companies having national lines of credit. In the latter case securities or other methods of protection such as membership on the board of directors are taken by the banks or other financial institutions. But reduced to the ultimate borrower, the format is exactly the same, and in the final analysis the money is loaned to the finance company not upon its credit, but upon the credit and security of the ultimate borrower, and only when such credit has been approved and accepted. There is reason to believe that agreements exist between the finance companies and their lending institutions to the effect that the liability of the finance companies is unlimited and unqualified only as to those loans made by them outside the instructions and minimum requirements of the lending institution. To this extent, then, and no further, should the liability and borrowings of the finance companies be taken into consideration. To complete the equitable concept, it should be suggested that if the finance companies claim full and complete liability on the outstanding loan contracts, they should qualify their position at least to the extent of the security they hold by reason hereof. Further, said qualification should be at the values shown at time of making loan, not at some subsequent period when other considerations may exert an influence.

Further explanation of the financial practices of the larger finance companies was given by Harry W. Moore, one of the accountants for the loan association, in his testimony before the committee in Los Angeles when he cited an example of a subsidiary corporation capitalized at \$100,000, 'borrowing' \$3,705,000 from its parent company at a rate of 6 percent (Rep. Tr. Page 120, line 23). The reader may contrast this interest rate with the average interest rate set forth in the summaries

(Page 5) of 2.83 and thereby gain some insight into the manner by which heavy interest charges appear in the operating expenses of the finance company. The Attorney General can supply at least one additional instance where a California entity is being charged 10 percent by its parent company. Mr. Moore, however, probably rendered his greatest service to the people of California when he testified (Rep. Tr. Page 125, line 10) that costs of operation of a finance company varied between the various companies and that an instance within his knowledge existed where a finance company operated by a man and his wife made about 50 percent on \$25,000!

III

The annual reports of the Commissioner of Corporations reflect, as has been stated before, the interest and solicitous concern exercised by the commissioner in attempting to achieve the original purposes of the legislation. These reports reflect, too, that the commissioner was vigorous and alert in the early days of the act to illegal loan operations in this State. However, the investigation by the Attorney General apparently impressed the commissioner himself to the extent that he testified in Los Angeles (Rep. Tr. Page 35, line 15) that the apparent irregular operation of the finance companies was the result of inadequacies of the act. Whether or not that is true shall, of course, be determined by the reader himself. A guide may be found in comparing the practices complained of by the Attorney General with the provisions of the act available to the commissioner for corrective action:

- | <i>Alleged Violations of Act Uncovered by
Attorney General</i> | <i>Sections of the Act Suggested Available
for Corrective Action</i> |
|---|--|
| 1. Licensing of persons with criminal records known and unknown to the Commissioner of Corporations. | 1. Section 8(a) of the act enjoins the commissioner only when the financial responsibility, experience, character and general fitness of the applicant warrant belief that the business will be operated honestly, fairly and efficiently within the purposes of this act.
Under similar circumstances and responsibilities the Board of Equalization fingerprints all applicants for a liquor license. |
| 2. Licensees retaining insurance commissions received from insurance placed upon security for a loan through an officer or an employee licensed as an insurance agent, broker and/or solicitor. | 2. Section 20, Paragraph 6, of the act specifies that insurance commissions may be retained by the lender only when the licensee is licensed insurance agent or broker. Otherwise commissions retained are considered charges within regulations of the act. |
| 3. Prospective borrowers were required to join an automobile club or to refinance outstanding indebtedness and merge same into new loan at maximum rates as a condition precedent to the granting of new loans by licensee. | 3. Section 20, Paragraph 5, of the act, prohibits the licensee requiring the borrower to contract for purchase or agree to purchase any other thing in connection with the loan or require the borrower to enter into any collateral sales agreement or contract other than those specifically exempted under the act. |
| 4. Amounts in excess of the charges permitted by this act, were contracted for and received and the licensees were permitted to collect and receive principal and charges notwithstanding. | 4. Section 17, Paragraph 5, of the act provides that if any amount other than or in excess of the charges permitted by this act is charged, contracted for or received the contract of loan shall be void and neither the licensee or any other person shall have any right to collect or receive any principal charges or recompense whatsoever. |

*Alleged Violations of Act Uncovered by
Attorney General*

5. Licensees were permitted to charge the maximum charges under the act when insurance was placed upon the security for the loan and the insurance carrier was notified by the insured at the instance of the lender of the existence of a mortgage.

*Sections of the Act Suggested Available
for Corrective Action*

5. Section 17, Paragraph 1, of the act provides if, however, any property securing a loan made by a licensee is insured against loss in favor of the licensee, the latter may only contract for and receive thereon charges at a rate not exceeding 2 percent a month on the unpaid balance of the loan.
Notification of the insurance carrier at the request of the lender is, in effect, insuring the security in favor of the lender, barring cancellation of the policy.

The Commissioner of Corporations labors under some difficulty since it is apparent from the above that he is not completely conversant with all the provisions of the act. This became further evident in Los Angeles when he testified that he wondered if violations discovered by a complete audit of the finance companies would be worth the cost to the taxpayers (Rep. Tr. Page 45, line 13). The facts of the law are that the cost of such an audit would be borne by the finance companies under the act and be without expense to the public (Section 14, Paragraph 2).

From the testimony educed at the hearings in Los Angeles, it appears that the Commissioner of Corporations is unaware of certain actions of his own department with specific reference to the licensing of a person who had pleaded guilty to a charge of grand theft, since the licensing of such person was a direct contradiction to commissioner's announced policy (Rep. Tr. page 43, line 12, et seq.) It is patent, also, that he was unaware of the practice of a certain licensee with an excess of thirty locations who not only required borrowers to join an automobile club, in violation of the act, but also required them to cancel existing insurance and reinsure with affiliate of licensee in violation of the commissioner's ruling No. 1487. A copy of the forms used by this entity bearing out both of the above assertions was introduced into the committee's record by the Attorney General. That the commissioner was aware of the company's operations otherwise was borne out by the fact that each annual report included reference to the rate charged for a portion of the loans of this entity, namely, .85 of 1 percent per month. Herbert A. Smith, Chief Assistant Commissioner of Corporations, definitely testified in Los Angeles that he was not aware of the auto club membership requirement cited (Rep. Tr. page 65, line 8), even though he had been in his present position since 1940 (Rep. Tr. page 86, line 12).

John A. Metzler, Chief of the Finance Bureau of the Commissioner of Corporations, has immediate charge and supervision of the finance companies. As such, he was asked in Los Angeles how many employees he had available for his bureau, but was unable to answer. In all fairness, this inability may have been explained later by the commissioner, who showed his department's method of sharing personnel throughout the various offices.

However, Mr. Metzler was entirely unaware of the true nature and extent of enforcement activities of his department. He stated to the committee that there have been 123 suspensions and 29 revocations as a result of enforcing provisions of the act. Yet, when the department later furnished in writing a complete list of revocations occurring throughout the

life of the act, one only was found to have been for cause! The remainder were at the request of the licensee who was either retiring from business or changing his name or location. No mention of *any* suspensions was in the department's letter.

IV

The present rules and regulations promulgated by the Commissioner of Corporations for the supervision of finance companies permit the conditions complained of as arising under the administration of the act by failing to rule specifically on the various points. An examination of the said rules and regulations will reveal that the commissioner has been extremely specific in the matters of officers, transaction of business, applications, bonds, various aspects of negotiating and executing loans, the proper manner of maintaining books and records and providing for examinations, advertising and most of the problems arising under insurance. However, he has not availed himself of including under Rule 1414 the request for additional data in connection with an application for license in the form of fingerprints of the applicant. Probably, too, a rule elaborating on the requirement that licensees be also authorized as insurance brokers or agents for the purpose of retaining commissions without regulation would be in order. There is complete silence in the rules as to collateral sales and agreements which ruling could be most beneficial in correcting the alleged abuses complained of by the Attorney General. In view of his specifications in other fields of his administration of the act, specific rules regarding overcharges and their effect, would be to the benefit of the borrower and in the highest purposes of the act. This latter rule would be of particular importance, inasmuch as John A. Metzler, Deputy Commissioner of Corporations and Chief of the Finance Bureau, charged with the administrations of the Personal Property Broker Act and Industrial Loan Act, testified in Los Angeles that although the percentage of overcharges reported by his auditors as occurring in the corporations of the licensees did not amount to 95 percent of the accounts examined, however they *did* amount to more than 50 percent (Rep. Tr. Page 130, line 4) and that in his official position, he has concluded that such errors must be intentional to render the accounts void. (Rep. Tr. Page 141, line 2).

A further rule would seem necessary and proper covering the use of the so-called "waiver letter" in respect to insurance placed upon security taken upon a loan. This rule would eliminate all uncertainty irrespective of the actual conclusion of the commissioner as to the effect of said letter upon lender's rights under the policy.

The commissioner's interest in small loans is found in every annual report and it would seem that he has already established the precedent necessary to halt the finance company's departure from the small loan field. In his administration of the Industrial Loan Act he has ruled that a company not making loans in the amount of \$300 or less is not within the meaning of that act and therefore not entitled to a license. The same ruling as applying to this act would have a speedy effect and probably obviate the need for further legislation on the subject.

V

Prior to 1947 the annual report required of licensees by reason of Section 15, paragraph 2, of the act was known as the Uniform Report

Form which had been adapted from the forms used for similar purposes in other states. By reason of the controversy between the commissioner and the finance companies on the particular point of "assets used and useful" in the loan business, a new form was prescribed for the report to be furnished respecting the operations for the calendar year 1947. A further revision and a considerable enlargement of the report form was prescribed for reporting operations under the act for the year 1948, and, for reports respecting the said year 1948, a supplement under date of January 24, 1949, has been issued, the effect of which is somewhat puzzling. Under "liabilities and reserves," Items 40, 41, 48, and 49 of the original form have been eliminated, while the Sections 39, 45, 47, 54, and 55 have been revised to eliminate in most instances inquiry as to interest of partners. Sections 66 to 71, inclusive, have apparently been superseded by Items 47 to 51, inclusive, in the supplement. The over-all effect being either good or bad, is a matter of professional opinion. An estimation of the effect of elimination of said items under "liabilities and reserves" cannot be given without further reflection.

However, there is still lacking in the maze of statistical information required of the licensee definite inquiries as to licensee practice and procedures which would reveal excessive salaries paid executive officers. The provision of Item 121, Schedule 8-1, Subdivision D, certainly does not meet this requirement inasmuch as it requires information of only three officers, directors, partners or employees of licensee receiving the highest total remuneration, and it has been the policy of the Commissioner of Corporations to permit a firm having more than one location to file a consolidated report including the initial location. Hence, it is extremely difficult, not to say impossible, to determine executive and management salaries when at the present time on the basis of the 1947 Annual Report of the Commissioner of Corporations, 11 corporations hold 248 out of 396 licenses issued. The same reasoning applies to all other expenditures of licensees who present a consolidated report for many different locations. The investigation of the Attorney General discovered that the majority of the finance companies considered it of great importance in their own affairs to have specific information as to loans made with particular reference to additional sums advanced or the contrary. Most executive offices of the licensee wanted to know also when outstanding indebtedness was consolidated as a part of a new loan. Such information might likewise be useful to the Commissioner of Corporations with a view to discovering practices of compounding interest and compulsion exerted upon borrower to convert outstanding indebtedness into a high rate personal loan.

Despite the fact that item 94 of the commissioner's form for report of operations includes a column for report of insurance commissions retained as income of the personal property broker business no information is requested as to whether the licensee was licensed as an insurance agent or broker. An inquiry on this point would seem desirable since failure to be so licensed might provide positive information to accounts void by reason of overcharge.

SUMMARY

The following is offered gratuitously as the purely personal opinion of the writer unsubstantiated other than by his study of the Assembly

Committee of 1935 report anent personal property brokers, the investigation conducted by the Attorney General of the State of California, the legislative committee hearings held in Los Angeles and the transcript thereof, and the study of the exhibits submitted by and on behalf of the California Loan and Finance Association. The foregoing has caused the writer to ponder the question of whether necessitous borrowers in this State will soon be faced with a situation analogous with 1939 when they were compelled to seek "bootleg" or "hip-pocket" loans. The migration of the finance companies to the greener fields of higher loans gives rise to the speculation that there may come in the near future a time when said borrowers will no longer be accommodated by said licensees.

Of what effect on the community, one may well wonder, is the extensive advertising of the finance companies who devote a comparatively large portion of their net operating expenses to encourage nonproductive borrowers. That the personal loan situation in California is all out of proportion with the Consumer Price Index and workers' weekly wages as evidenced by the loan association's own exhibit, may well be a forerunner of a catastrophic financial collapse of many of the individual members of our communities.

It seems apparent from the testimony of Mr. Moore as set forth hereinbefore, that the Commissioner of Corporations has been somewhat remiss in compelling the efficient operation of the loan business in California under this act (Section 8(a)). When the net profit of various licensees vary from 5.61 percent to 50 percent, it would seem that the most careful official inquiry would be indicated with the purpose to determine if rates are not too high and for the purposes of a recommendation thereon to the Legislature. In connection with this question of efficiency the writer is concerned only with those loans in the necessitous field, being of an attitude of mind inherently opposed to any unnecessary governmental supervision of business. In other words, might it not be a proper subject for legislative enactment to return the Personal Property Brokers Act to the field in which it was originally intended to operate and permit the remainder of the financing activities which have grown up under this statute to find their own commercial level in free and open competition with other agencies of a similar nature.

However, in the opinion of the writer, no satisfactory basis will ever be possible for a determination of the reasonable rate of charge to be exacted under this act in light of the experiences in the operation and administration of the act and the licensees thereunder during the last nine years, until a complete audit and a report has been made respecting loans in the amount of \$300 or less. This opinion is concurred in by the Commissioner of Corporations who stated in Los Angeles that a complete check of all accounts is necessary if everything going on is to be known (Rep. Tr. Page 38, line 15) and if evasion by manipulation of funds is to be discovered (Rep. Tr. Page 45, line 13).

Such an audit has never been made by any official agency or otherwise so far as is known to this writer. It is understood that the Attorney General intends to make such an audit in furtherance of his investigation as soon as sufficient funds are available for the purpose.

Respectfully submitted,

JOHN E. MILLER
20 South First Street
Alhambra, California

ADJOURNMENT

At 4.30 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Wednesday, April 6, 1949, out of respect to the memory of the late Caroline Hall Breed, mother of Senator Arthur H. Breed, Jr., pursuant to the provisions of Senate Concurrent Resolution No. 43.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FORTY-FOURTH LEGISLATIVE DAY

NINETY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, April 6, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drohish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—35.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Dorsey, on motion of Senator Powers, due to illness.

Senator Abshire, on motion of Senator Powers, due to legislative business.

Senator Cunningham, on motion of Senator Powers, due to legislative business.

Senator Tenney, on motion of Senator Salsman, due to legislative business.

Senator Coombs, on motion of Senator Salsman, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Dick Wright of Menlo Park.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Otis Teaford of North Fork, Otto Aversi of Madera, William C. Andersen of Merced, and Joe Broneo of Dos Palos.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ralph Morris of Los Angeles.

On request of Senators Hugh M. Burns and Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clyde Lester of Sanger and John Garabedian of Fresno.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ed Noble and Mrs. Lauren Miller of Red Bluff.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Henry Mauldin of Finley.

On request of Senator Hugh M. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. William Hansen of Fresno.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Don Williams, teacher, Calvin Lahman, driver, and the following Seventh Grade students of New Hope School at Thornton: Harry Shores, Bob Bowen, Rudy Ormsby, Joyce Mori, Josephine Basquez, Dorothy Stevenson, Edward Alfichie, Dale Wade, Orbee Stattenmyre, Donald Young, Gordon Sennor, Antoinette Lopes, Becky Lerma, Mary Thomas, Ramona Cain, Pat Little, Goldee Daniel, Dolores Fernandes, Max Mendosa, Eugene Masterson, and Robert Baker.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Isabelle Jackson, principal, Mrs. Irene Sayre, and the following Seventh and Eighth Grade students of the Florin Elementary School of Sacramento: Thomas Haynes, Robert Parks, Thomas Redmon, Timothy Tannehill, Anna Alvis, Toni Faria, Virginia Flemmer, Carol Glacken, Virginia Hargon, Patricia Messing, Mae Moos, Molly Nakao, Rose Raza, Elaine Rosenberg, Jana Lee Thomas, Elizabeth Velaga, Betty Wilson, Nellie Wells, Arvilla Sayre, Aline Axley, Norman Alvis, Tommy Carruth, James Caspers, Samuel Clements, Charles Crain, Arnold Grossman, Kenneth Ito, Leonard Grossman, George Krickeberg, Chester Lee, Ronald Murray, Wallace Shay, John Stoner, Jerry Stevens, Clyde Uffelman, Larry Walker, Neil Wilson, Jane Angrove, Angelina Bandaceari, Shirley Beavers, Joan Brown, Marreth Caspers, Barbara Cole, Mary Jo Hargon, Patsy Mael, Virginia Sloan, Peggy Tanihara, Henry Keshaba, June Miyano, Lester Ouchida, Maxine Beavers, Geraldine Galland, Mitzi Sakeuchi, Barbara Thomas, Darlene Thomas, and Marielle Tsukimoto.

On request of Senator Gibson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Fred Moran of Vallejo.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clay Caldwell, Mrs. Schwartz, Mrs. Alice Morateur and Miss Matie Luther, Teachers, and Gilbert Tennie, City Superintendent, and Frank Bennallack, Member of

the Board of Education, and the following pupils of the J. S. Hennessy School of Grass Valley: Mary Lee Arthur, Sue Arbrough, Hattie Ayers, Rose Brown, Beverly Burger, Shirley Bennett, Velma Bisiaux, Thelma Gage, Arletta Goff, Joyce Hollmer, Gerda LeDuc, Martha Mildred, Jean Nichols, Barbara Prescott, Sally Page, Helen Rosell, Mavis Roberts, Mary Wood, Frank Buch, Jim Daniels, Bobby Earhart, Lawrence Gray, Donald Gallino, Jack Hughes, Jack Knuckey, Fred Makinson, Richard Newell, William Roth, Amos Seghezzi, Freddie Schmidt, Richard Straub, Bob Tabor, Max Vanzi, Mary Berry, Karen Carmichael, Carol Chan, Donna Cicogni, Bobbie Clark, Patty Cleveland, Loveda Cowan, Bernice Espinosa, Eileen Hovie, Olive Hugi, Nancy Myers, June Pendrak, Joyce Pianezi, Mary Jane Pickthall, Carol Pitts, Betty Romeo, Ada Warren, Patsy Colter, Doris Armstrong, Videne Baker, Mariese Boucher, Luanne Depew, Shirley Dorell, Mary Lou Hartman, Marian Hattox, Virginia Hutton, Karen Kohler, Frances Percy, Wanda Phillips, Shirley Plantz, Joann Simpson, Elizabeth Strain, Jeanne Taylor, Carolyn Whiting, Eugene Cantrill, Dwain Eades, Wayne Gemmill, John Hosking, Ken Keeney, Jack Moore, Bill Mulch, Douglas Norby, Wendel Peterson, Alan Shipler, Buddy Schetter, David Smith, Melvin Smith, Walter Tanner, Harold Wasley, Bob Abas, Edward Beck, Melvon Bird, Chandler Church, Ray Clanton, Joe Cox, Allen Cresswell, Howard Evans, Carl Harris, Robert Hudson, Floyd McCain, Dale Rush, Francis Viseia, Gene Warren, and George Goff.

On request of Senators Busch and Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Louis W. McKeown, Principal, Mrs. Alice Tier, Oscar Jensen, Jr., Fred Sasso, and the following students of the Monte Rio Elementary School, Monte Rio, Sonoma County: Nancy Burke, Willow Frasheski, George Gibbs, Alfred Bohny, John Odell, Harry Burke, Richard Odell, Margaret Givens, Gayle Tier, John Moseley, Coral Sasso, Elaine Sasso, Luck Parks, and Barbara Callahan.

COMMUNICATIONS

The following communication was received and read and ordered printed in the Journal:

OFFICE OF THE GOVERNOR, STATE OF WASHINGTON
OLYMPIA, April 1, 1949

Hon. Joseph A. Beek, Secretary of the Senate
State of California, Sacramento, California
Re: Trade Barriers

DEAR MR. BEEK: Governor Langlie has asked me to acknowledge receipt of your letter of March 23d enclosing a copy of a resolution enacted by your Legislature.

For your information, I am enclosing herewith a copy of the veto message Governor Langlie filed with House Bill No. 390, the measure this resolution was directed to.

Sincerely,

INEZ LEWIS, Secretary to the Governor

**Veto Message of Governor Arthur B. Langlie of Washington, Affecting
Legislation Against California Wine**

March 21, 1949

To the Honorable

*The House of Representatives of the State of Washington
(Through the Secretary of State)*

LADIES AND GENTLEMEN: I am filing herewith, to be transmitted to the House of Representatives of the State of Washington at the next session of the Legislature, without my approval House Bill No. 390, entitled:

"An act relating to intoxicating liquor and licensing the sale thereof; amending Section 23-0, Chapter 62, Laws Ex. Sess. 1933, as added thereto by Chapter 217, Laws of 1937, and last amended by Section 3, Chapter 220, Laws of 1941, and providing that the act shall take effect January 1, 1950."

This bill amends the present state liquor laws by providing that the holder of a Class C license may sell only Washington-made wine by the glass or opened bottle for consumption on the premises. As such it is legislation which discriminates against out-of-state wines and its effect is to set up an interstate trade barrier. If enacted it would be the first successful attempt in this state to utilize the force of law in barring a legal product from competition solely because of its origin outside state boundaries.

As such it is in my judgment inherently bad legislation. It has far reaching implications in that it sets both a precedent and a pattern for further trade barriers of this kind here and for retaliatory measures against Washington products elsewhere.

In my judgment no state should embark on a program of trade barriers unless it is prepared to follow it through to its logical conclusion which is self-sufficiency. It should be self-evident that there can be no such thing as self-sufficiency in this or any other state.

The sinister thing about all interstate trade barriers is that they are not what they seem to be. They are looked upon as prosperity bringing measures when in reality they are prosperity destroying by their very nature. Prosperity for the great majority of producers and consumers can be achieved, not by trade barrier laws, but by the free exchange of goods across all political boundaries.

The only restrictions which, in my judgment are warranted, are those which protect the public health and safety.

One has only to look at Western Europe to see what happens when small areas set up trade barriers for the protection of their own products. If our state governments fail to give due consideration to the validity of interstate rights, we may well have concern that our priceless state's rights may be further subordinated to federal dominance.

Being fully aware of the importance of this legislation to the wine growers of this State and being completely sympathetic to their problems, I have not taken this matter lightly. I have taken occasion to discuss the entire problem with the governors of several of our sister states, among them New York and California, and with the Council of State Governments. Not only have I found a complete unanimity concerning the dangerous aspects of this type of legislation, but I am convinced from my investigations that my signature on this bill would not be serving the best interests of the state as a whole.

Apart from the dangerous implications of the interstate features of this legislation there are local areas of difficulty. While it is true that, generally speaking, the right to sell liquor amounts merely to a privilege which the state may grant to one class of its citizens and deny to another class, nevertheless the discrimination cannot be arbitrary or unjust but must be reasonable and founded on public policy. Discriminating, for example, between one hotel and another hotel by allowing the one to sell only Washington-made wine and the other to sell both wine made in Washington and that manufactured outside the state cannot be justified as an exercise of the police power of the state, nor can any reasonable basis be ascribed for making such distinction. Such legislation does not conceivably tend to promote or protect the morals, good order, peace, health, welfare or safety of the people of the state.

This legislation would constitute a problem from an enforcement standpoint. As a practical matter, in allowing Class C licensees to sell domestic wine by the glass and, in addition, to sell other wines for consumption off the premises, the law would be extremely difficult to enforce. It would be almost impossible to know whether they were filling glasses with Washington wine or foreign wines when they are permitted to have mixed stocks and to sell both domestic and out-of-state wines.

To achieve any measure of enforcement, it would be necessary to employ additional inspectors with resultant expense to the state.

In arriving at a conclusion on this legislation, I have given very little consideration to the fact that it would cause a loss in revenue to the state, cities and counties of an estimated million dollars annually.

For these reasons House Bill No. 390 is vetoed.

Respectfully submitted,

ARTHUR B. LANGLIE, Governor

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 5, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 90
Senate Bill No. 398
Senate Bill No. 488
Senate Bill No. 701
Senate Bill No. 823

Senate Bill No. 894
Senate Bill No. 1073
Senate Bill No. 1080
Senate Bill No. 1402

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 432
Senate Bill No. 569
Senate Bill No. 603

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 47
Senate Bill No. 317
Senate Constitutional Amendment No. 6

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 1, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 1171

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 4; not voting 1.

PARKMAN, Chairman

Above reported bill ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Senate Bill No. 438

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 12; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Senate Bill No. 897
Senate Bill No. 1275

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Senate Bill No. 152

Assembly Bill No. 921

Senate Bill No. 1663

Assembly Bill No. 1640

Senate Bill No. 1253

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 12; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which was referred:

Senate Bill No. 281

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Assembly Bill No. 1720

Assembly Bill No. 1722

Assembly Bill No. 1721

Assembly Bill No. 1766

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

McBRIDE, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 34

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

POWERS, Chairman

Above reported resolution ordered to third reading.

RESOLUTIONS

The following resolutions were offered:

By Senator Brown:

Senate Resolution No. 79

Resolved, That the name of Ann Ford be stricken from the pay roll of the Senate upon completion of work on Saturday, April 2, 1949.

Resolution read, and adopted.

By Senator Brown:

Senate Resolution No. 80

Resolved, That Morgan Fagg be promoted from the position of Assistant at Desk at a per diem of \$10 to that of Time Clerk of the Senate at a per diem of \$12; and that Margot Sullivan be promoted from the position of Assistant at Desk at a per diem of \$10 to that of Desk Stenographer at a per diem of \$12 payable weekly seven days per week, beginning Monday, April 4, 1949, and the Controller is hereby directed

to draw his warrants in favor of the respective persons for the respective amounts, and the Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Collier, Dilworth, Donnelly, Gibson, Hulse, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—25.
NOES—None.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1128

Senator Salsman moved that Senate Bill No. 1128 be withdrawn from Committee on Financial Institutions for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1128—An act to amend Sections 2.07, 5.03, and 9.17 of, and to add Sections 3.07 and 9.15a to, the Building and Loan Association Act, relating to the regulation of building and loan associations.

Bill read second time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

On page 4, line 32, of the printed bill, strike out "Except with the consent of the commissioner".

Amendment No. 2

On page 4, lines 33 and 34, of said bill, strike out "loan or loans in any one tract or subdivision, which, in the aggregate.", and insert "construction loan or loans to any one borrower, or under any one transaction, or applicable to any one project, which loan or loans".

Amendment No. 3

On page 4, line 41, of said bill, strike out "firm".

Amendment No. 4

On page 5, line 33, of said bill, strike out "any", and insert "such".

Amendment No. 5

On page 5, line 34, of said bill, strike out "any association to pay", and insert "such association to pay to any officer, director, or employee".

Amendment No. 6

On page 5, lines 39 and 40, of said bill, strike out "who have no authority to approve loans".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1413

Senator Gibson moved that Senate Bill No. 1413 be withdrawn from Committee on Governmental Efficiency for the purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1413—An act authorizing the commencement and prosecution of an action to quiet title to certain tidelands in the County of Solano.

Bill read second time.

Motion to Amend

Senator Gibson moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 3, inclusive, and insert "An act authorizing suits against the State to quiet title against it to swamp or overflowed lands by certain persons entitled to the benefits of Section 7523 of the Public Resources Code."

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 5, inclusive, and insert "SECTION 1. In any case where swamp or overflowed lands are subject to the limitations of Section 7523 of the Public Resources Code, any person or persons entitled to the benefits of said section, or his or their successor or successors in interest, is and they are hereby authorized to bring suit against the State of California in any court of competent jurisdiction in said State, to quiet title to said lands, or any portion thereof, and to prosecute the same to final judgment; provided, however, it shall first appear that all taxes levied against such lands during the 30 years next preceding the commencement of the action, have been fully paid.

SEC. 2. All of the provisions and rules of law relating to suits to quiet title and appeals therein shall apply to such suits as may be brought under this act. If judgment be given against the State in any such suit, no costs shall be allowed against the State.

SEC. 3. Any such suits to quiet title shall be commenced within one year after this act takes effect.

SEC. 4. Service of summons in any such suits shall be made on the Governor and the Attorney General."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Motion to Take Bill From the Inactive File

Senator Williams moved that Senate Bill No. 1509 be taken from the inactive file and placed on the second reading file.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to take up Senate Resolution No. 78, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 78**Senate Resolution No. 78**

Relating to the use of water for recreation, the maintenance of runs of fishes, and the conservation of wildlife

WHEREAS, The reclamation laws of the United States do not specifically recognize the use of water for (1) recreational purposes, (2) the maintenance of valuable runs of fishes, and (3) the conservation of wildlife as beneficial public uses; and

WHEREAS, Such recognition of the use of water is becoming increasingly important to the future economic and social welfare of the American people, and especially in the State of California with its rapidly growing population; and

WHEREAS, Until the reclamation laws clearly recognize the use of water for the purposes enumerated those in administrative charge of reclamation projects will continue to be in doubt as to the clear intent of Congress relative thereto; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate of the State of California respectfully memorializes the President and the Congress of the United States to enact an amendment or amendments to the reclamation laws so that they will clearly define the use of water for the purposes enumerated as beneficial public uses; and be it further

Resolved, That in all future appropriations for reclamation projects Congress be urged to make provision to safeguard the public interest in recreation, fishes, and wildlife resources on a nonreimbursable basis; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from the State of California in the Congress of the United States.

Resolution read, and on motion of Senator Swing, adopted.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 204

Senator McBride moved that Senate Bill No. 204 be withdrawn from Committee on Local Government for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 204—An act to add Sections 31553.5 and 31648.5 to the Government Code, relating to the membership of elective officers in county retirement associations, and to the rights and privileges of such members.

Bill read second time.

Motion to Amend

Senator McBride moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "31553.5", insert ", 31645.5".

Amendment No. 2

In line 2 of the title of said bill, strike out "of elective offices".

Amendment No. 3

In line 4 of the title of said bill, strike out "such".

Amendment No. 4

On page 1 of said bill, between lines 8 and 9, insert

"SEC. 2. Section 31645.5 is added to said code, to read:

31645.5. Whenever a county not having a retirement system for its employees assumes, or has assumed, any functions formerly performed by a city within the county and the employees who have performed such functions are, or were, transferred to or reemployed by the county without change in occupation or position, and the county thereafter establishes, or has established, such a retirement system, any such employee shall receive credit as prior service for the time during which he was employed by the city, if within one year after the establishment of the system, or one year after the adoption of this section, whichever is later, and before an application for retirement is filed, he pays into the association any contributions he would have paid had he been an employee of the county during the time he was employed by the city.

If any city establishes, or has established, a retirement system for its employees subsequent to the time the county assumes, or has assumed, such functions, it shall pay to the association the contributions for the employees so transferred which it would be required to pay to the system so established had the employees remained in the employ of the city, less the contributions for the period during which they were employed by the county."

Amendment No. 5

On page 1, line 9, of said bill, strike out "SEC. 2", and insert "SEC. 3".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, CALIFORNIA, April 6, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor, dated March 29th, appointing

GERALD C. KEPPLE, to the Youth Authority, vice self, for the term prescribed by law, ending March 15, 1953;

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointment of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 4; absent 1.

POWERS, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR**Motion to Confirm Appointment by the Governor**

Senator Powers moved that the Senate confirm and consent to the appointment of Gerald C. Kepple as a member of the Youth Authority.

The President put the question, "Will the Senate confirm and consent to the appointment of Gerald C. Kepple?"

The roll was called, with the following result:

AYES—Senators Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Ward, Watson, and Williams—29.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Gerald C. Kepple, as a member of the Youth Authority.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, CALIFORNIA, April 6, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor, dated March 29, 1949, appointing

ERVIS W. LESTER, to the Adult Authority, vice self, for the term prescribed by law, ending March 15, 1953;

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointment of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 4; absent 1.

POWERS, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR**Motion to Confirm Appointment by the Governor**

Senator Powers moved that the Senate confirm and consent to the appointment of Ervis W. Lester as a member of the Adult Authority.

The President put the question, "Will the Senate confirm and consent to the appointment of Ervis W. Lester?"

The roll was called, with the following result:

AYES—Senators Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Ervis W. Lester as a member of the Adult Authority.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred the message from the Governor, dated March 29, 1949, appointing

SAMUEL CERF, to the State Board of Cleaners (representing retail shop owners), vice self, for the term prescribed by law, ending January 15, 1951;

Has had the same under consideration, and respectfully reports the same back, and recommends that the appointment of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 4; absent 1.

POWERS, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Powers moved that the Senate confirm and consent to the appointment of Samuel Cerf as a member of the State Board of Cleaners.

The President put the question, "Will the Senate confirm and consent to the appointment of Samuel Cerf?"

The roll was called, with the following result:

AYES—Senators Breed, Brown, Hugh M. Burns, Busch, Collier, Crittenden, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Samuel Cerf as a member of the State Board of Cleaners.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 738	Assembly Bill No. 158
Senate Bill No. 826	Assembly Bill No. 2370
Senate Bill No. 1129	Assembly Bill No. 2541
Senate Bill No. 1169	Assembly Bill No. 3114
Senate Bill No. 1271	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

REGAN, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred:

Senate Bill No. 240

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

REGAN, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred:
Senate Bill No. 755

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

REGAN, Vice Chairman

Above reported bill ordered to second reading.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Desmond:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 23, 503, and 571, of the Public Utilities Act, Sections 1, 2, 3, 5, 7, 8, 10, 12, 14, 141, 15, and 20, of, and to add Sections 31, 34, and 81 to, the Highway Carriers Act, all relating to the use of public highways for commercial purposes and the powers and duties of the Public Utilities Commission in respect thereto.

Respectfully submitted,

SENATOR DESMOND

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 6, 1949

The Committee on Rules recommends that permission be granted to introduce the bills as requested, and that the bills be referred to Committee on Public Utilities.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—33.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1619: By Senator Desmond—An act to amend Sections 23, 503, and 571, of the Public Utilities Act, Sections 1, 2, 3, 5, 7, 8, 10, 12, 14, 141, 15, and 20, of, and to add Sections 31, 34, and 81 to, the Highway Carriers Act, all relating to the use of public highways for commercial purposes and the powers and duties of the Public Utilities Commission in respect thereto.

Referred to Committee on Public Utilities.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 150—An act to amend Section 332 of the Vehicle Code, relating to operators' and chauffeurs' licenses and the driving of vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 332 of", and insert "add Section 332.1 to".

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 332.1 is added to the Vehicle Code, to read:

332.1. Impounding Vehicles. Whenever a person is convicted under Section 332 of this code with respect to a motor vehicle of which he is the owner, the court, at the time sentence is imposed on such person, may order the motor vehicle impounded in such manner as the court may determine, for a period of not to exceed six months for a first conviction, and not to exceed twelve months for a second or subsequent conviction. The cost of keeping such vehicle shall be a lien thereon, pursuant to Chapter 1 of Division 8 of this code."

Amendment No. 3

On page 1 of said bill, strike out lines 2 through 20.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1075—An act to repeal Section 3722 of the Political Code, relating to the organization of river port districts for assessment and taxation purposes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 332—An act to add Article 4, comprising Sections 21100 to 21103, inclusive, to Chapter 8 of Part 3 of Division 5 of Title 2 thereof, and to add Section 21251.15 and Section 21261 thereto, all relating to the State Employees' Retirement System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 19, of the printed bill, strike out "two years", and insert "one year".

Amendment No. 2

On page 2, line 2, of said bill, strike out "(b) the recommendation of the head"; also strike out all of line 3, and in line 4 strike out "agency proposing to employ him".

Amendment No. 3

On page 2, line 4, of said bill, strike out "c", and insert "b".

Amendment No. 4

On page 2, line 6, of said bill, strike out "d", and insert "c".

Amendment No. 5

On page 2 of said bill, strike out lines 32 to 48, and on page 3 strike out lines 1 to 11, inclusive, and insert

"21251.15. For a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of Section 21251.1, and for a state miscellaneous member, reinstated from service retirement, the current service pension upon his service retirement subsequent to such reinstatement, shall be the sum of a current service pension calculated on the basis of service rendered after such reinstatement and in accordance with Section 21251.1, plus his current service pension as it was prior to his reinstatement, adjusted according to any change in the provisions governing the calculation of such pensions, made after such reinstatement and applicable to pensions being paid at the date of the change, provided that such subsequent retirement occurs before he renders after his reinstatement at least one year of state service credited under this system; otherwise, a current service pension based

on current service rendered prior to such reinstatement, but calculated under Section 21251.1, (1) on the basis of an age, taken to the preceding completed quarter year but not less than 55 years, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement, and (2) on the basis of his final compensation as it was at the date of his preceding retirement. For such a member reinstated from disability retirement, the current service pension upon his service retirement after attaining age 59, or upon his disability retirement after attaining age 60, and subsequent to such reinstatement, shall be calculated in the manners described in the preceding sentence, but the age determined upon subsequent retirement after rendering at least one year of state service, shall not be taken at less than 59 years if the subsequent retirement is for service, or 60 years if such retirement is for disability.

SEC. 3. Section 21261 is added to Article 2 of Chapter 9 of Part 3 of Division 5 of Title 2 of said code, to read:

21261. The prior service pension of any member reinstated from service retirement, upon his subsequent service retirement, shall be in the same amount as his prior service pension prior to his reinstatement, adjusted according to any change in the provisions governing the calculation of such pensions, made after such reinstatement and applicable to pensions being paid at the date of the change, provided that such subsequent retirement occurs before he renders after his reinstatement at least one year of state service credited under this system; otherwise the prior service pension calculated (1) on the basis of an age, taken to the preceding completed quarter year but not less than 55 years, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement, and (2) if final compensation entered into the calculation of his prior service pension before his reinstatement, on the basis of his final compensation as it was at the date of his preceding retirement. For such a member reinstated from disability retirement, the prior service pension upon his service retirement after attaining age 59, or upon his disability retirement after attaining age 60, and subsequent to such reinstatement, shall be calculated in the manners described in the preceding sentence, but the age determined upon subsequent retirement after rendering at least one year of state service, shall not be taken at less than 59 years if the subsequent retirement is for service, or 60 years if such retirement is for disability."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 632—An act to amend Sections 20126, 20894.5, 21028, 21251.1, 21253, 21452, and 21453 of the Government Code and to add Section 20337 to Article 2 of Chapter 3 and Section 21371 to Article 5 of Chapter 9 of Part 3 of Division 5 of Title 2 thereof, all relating to the State Employees' Retirement System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, after "20126", insert "20362".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 2, line 1, of said bill, before "SEC. 3", insert

"SEC. 2.5. Section 20362 of the Government Code is amended to read:

20362. Persons in state service on or prior to June 30, 1933, whose compensation equals or exceeds four hundred sixteen dollars and sixty six cents (\$416.66) per month who file with the board an election not to become members are excluded from membership in this system. Any person so excluded may at any subsequent time file with the board an election to become a member, and becomes a member of this system on the date of filing such election. *He has the option of making contributions to this*

system in the amount which he would have contributed had he not been so excluded, plus interest which would have accumulated. If he affirmatively exercises the option:

(a) He shall receive credit for prior service in the same manner as if he had not been excluded, and

(b) The contributions of the State because of his membership, shall be the same as they would have been had he not been excluded and

(c) His rate of contribution shall be based on the nearest age at the time he first was excluded.

[Such a person shall receive credit for prior service regardless of the effective date of membership, and may pay to this system all or part of the amount which he would have contributed had he not been excluded, plus interest which would have accumulated. Upon his retirement for service, his current and prior service pensions shall be the same as if he had paid to this system all of that amount with accumulated interest.]”

Amendment No. 3

On page 2, line 21, of said bill, after “such leave,” add “Retirements, heretofore effective, of members during such leaves, and the contribution by the employer of said amounts with respect to said members, are hereby validated and confirmed.”

Amendment No. 4

On page 6, line 4, of said bill, strike out the word “said”, and insert the following after “Chapter 5,”: “Part 1, Division 4 of the Labor Code,”.

Amendment No. 5

On page 6 of said bill, after line 13, add

“SEC. 10. This act shall become effective on the first of the month next succeeding the ninetieth day after the adjournment of the 1949 Regular Session of the Legislature.”

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1522—An act authorizing the sale of certain real property in the City of Sacramento not required for existing state functions and providing for the disposition of the proceeds of such sale.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 146—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 405—An act to amend Section 14191 of, and to add Article 6.5, comprising Sections 14195 to 14195.4, inclusive, to Chapter 8, Part 8, Division 2 of, the Revenue and Taxation Code, relating to the compromise of death taxes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 406—An act to add Article 6.7, comprising Sections 14197 to 14197.13, inclusive, to Chapter 8, Part 8, Division 2, of the Revenue and Taxation Code, relating to the interstate arbitration of death taxes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 428—An act to amend Sections 2085 and 5006 of and to add Section 5061 to, the Penal Code, relating to disposition moneys and valuables of prisoners.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1218—An act to amend Section 1260 of the Code, relating to homesteads.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 52—An act to add Section 1208 to the Civil Code, relating to the execution of instruments entitled to be recorded in the office of the county recorder.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "No", and insert "The county recorder of any county of the State may refuse to accept for record any".

Amendment No. 2

On page 1, line 3, of said bill, strike out "by which the title to real estate or".

Amendment No. 3

On page 1 of said bill, strike out line 4.

Amendment No. 4

On page 1, line 5, of said bill, strike out "Otherwise disposed of".

Amendment No. 5

On page 1 of said bill, between lines 5 and 6, insert "section, where he finds that the provisions of the instrument are illegible, or that any signature appearing on the instrument is illegible and the name of the signer is not printed, typewritten or stamped upon the instrument in such proximity to the written signature as to clearly refer to that signature.

The provisions of this section shall not affect the validity of the recordation of any instrument accepted for record by the recorder."

Amendment No. 6

On page 1 of said bill, strike out lines 6 to 28, inclusive, and on page 2, strike out lines 1 to 12, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 99—An act to add Article 5 to Chapter 2, Title 1, Part 3 of Division 1 of the Civil Code, relating to the recognition of a divorce obtained in another jurisdiction.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 12, of the printed bill, after "person", insert "hereafter".

Amendment No. 2

On page 1 of said bill, after line 23, insert

"150.4. The application of this article is limited by the requirement of the Constitution of the United States that full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 481—An act to amend Section 3952 of the Revenue and Taxation Code, relating to actions by purchasers of tax-deeded property to determine adverse claims to, or clouds upon that property.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 817—An act to amend Section 511.3 of the Vehicle Code, relating to speed limits and the operation of vehicles upon the highways.

Bill read second time, and ordered to third reading.

Assembly Bill No. 696—An act to amend Section 412 of the Code of Civil Procedure, relating to commencement of actions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2425—An act to amend Section 3641 of the Corporations Code, relating to the identification of provisions of the articles of incorporation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2426—An act to amend Section 4300f of the Political Code, relating to jurors' fees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1255—An act to amend Section 51a of the Public Utility District Act of 1921, relating to public utility districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Utilities:

Amendment No. 1

On page 3 of the printed bill, in line 7, after the word "property", strike out "the assessed value of which is in", and in line 8, strikeout "excess of one-half of the assessed value of all of the property".

Amendment No. 2

On page 3, line 10, of the printed bill as amended in Assembly March 24, 1949, strike out "may", and insert "shall".

Amendment No. 3

On page 3 of said bill, strike out line 14, and insert "such hearing, the board of supervisors may, if they find and".

Amendment No. 4

On page 3, line 15 of said bill, after "will", insert "not".

Amendment No. 5

On page 3 of said bill, strike out lines 16 and 17, and insert "substantially benefited by annexation to the said district, notify the board of directors of said district that such".

Amendment No. 6

On page 3, line 18 of said bill, after "district", insert a comma.

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1253—An act to amend Section 5 of the Public Utility District Act of 1921, relative to public utility districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2387—An act to amend Section 5 of the Public Utility District Act, relating to hearings on petitions for organization of public utilities districts.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 317—An act declaring all buildings or places, other than private dwellings, used or resorted to for purposes of public gambling to be nuisances, and providing for the abatement and prevention of such nuisances by injunction and otherwise.

Bill read third time.

Request for Unanimous Consent

Senator Salsman asked for, and was granted, unanimous consent to have Senate Bill No. 317 passed on file and retain its place on file until the next legislative day.

RESOLUTIONS

The following resolution was offered :

By Senator Judah :

Senate Resolution No. 81

Relative to congratulating Senator Chris N. Jespersen upon his birthday

WHEREAS, The bright sun of fifty-nine summers and the rains and showers of fifty-nine winters have passed over his now graying hair ; and

WHEREAS, The sound and fury of recurring election campaigns have failed to dim the love felt for him by his thousands of constituents and with the result that he has been returned to the Senate time and again, there to confound his enemies, shoot barbs of satire at his senatorial target from Los Angeles, and add lustre to the glory of the House of Lords ; and

WHEREAS, Though full of faults plainly exposed on the surface, in his habit of talking too much and too often in debate and spending hours each week in the company of the members of the Fourth Estate presumably to enhance his political prominence ; now, therefore, be it

Resolved by the Senate of the State of California, That we, the members of the State Senate, hold in deep affection this son of San Luis Obispo Christopher (Copenhagen) Jespersen, and congratulate both him and ourselves on our pleasant association, and him for his true worth as a man and a legislator, and extend to him best wishes for a happy birthday ; and, be it further

Resolved, That a copy of this resolution be printed in the Senate Journal of this date and an embossed copy mailed to Mrs. Jespersen.

Resolution read, and on motion of Senator Judah, unanimously adopted.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1029

Senator Brown moved that Senate Bill No. 1029 be withdrawn from Committee on Public Health and Safety for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1029—An act to amend Sections 32004 and 32100 of the Health and Safety Code, and to add Sections 32100.5, 32100.6, 32100.7 to said code, relating to local hospital districts, and declaring the urgency of this act, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Brown moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, after "Sections", insert "32100.1".

Amendment No. 2

On page 2 of said bill, between lines 23 and 24, insert

"SEC. 3. Section 32100.1 is added to said code, to read:

32100.1. A petition for election of directors by zones may be signed and filed with the board of directors by registered voters residing within a local hospital district, equal in number to at least 15 percent of the number of votes cast in that district for the office of Governor at the last preceding election at which a governor was elected. Upon receipt of this petition the board of directors shall, by resolution, divide the local hospital district into five zones and number the zones consecutively from 1 to 5. In establishing these zones the board of directors shall provide for representation in accordance with population and geographic factors of the entire area of the local hospital district. The board of directors shall fix the time and place for a hearing on the proposed establishment of zones. At this hearing any elector of the district may present his views and plans in relation to the proposed zoning, but the board of directors shall not be bound thereby and their decision, in the resolution adopted, shall be final.

After the hearing and final determination by the board of directors the board shall then prepare a measure to be printed on the ballots used at the next general hospital district election, or at a special election to be held for that purpose. The measure shall be printed on the ballots substantially as follows:

"Shall members of the board of directors be elected by zones, as described in the resolution of the board of directors dated -----?", with the words "Yes" and "No" so printed in connection therewith that the voters may express their choice.

The returns of such election shall be canvassed and declared as at other general hospital district elections, and if it appears that a majority of the votes cast in such election are in favor of said measure the board of directors shall by resolution declare the zones established and shall describe the boundaries of the zones. At the expiration of the terms of office of the members of the board of directors then in office, and thereafter, such members of the board of directors shall be elected by zones. If, at the expiration of said terms of office, three members of the board of directors are to be elected, those three members shall be elected from the zones designated by odd numbers; if two members are to be elected, those two members shall be elected from zones designated by even numbers.

One member of the board of directors shall be elected by the electors of each of the zones. No person shall be eligible to hold the office of member of the board of directors unless he shall have resided in the zone from which he is elected for 90 days next preceding the date of the election.

The formation of a local hospital district may provide for the election of members of the board of directors by zones as above provided for by substantially including in the petition for formation the provisions hereinabove required to be included in such measure, in which event it shall not be necessary to hold the election above provided for, and the members of the board of directors shall be elected from the zones as described in said petition, except that the first board of directors shall be appointed, upon the formation of the district, by the board of supervisors of the county in which the land or a greater part of the land in the district is situated. One member shall be appointed from each zone.

The terms of the members of the first board of directors appointed under the provisions of this section shall be determined as follows:

The members appointed from the zones designated by odd numbers in the petition shall hold office for four years and the members appointed from the zones designated by even numbers in the petition shall hold office for two years. Thereafter, the term of office for all members shall be four years.

Any vacancy upon the board shall be filled by appointment by the remaining members of the board of directors from the zone left unrepresented on the board of directors. Any person appointed to fill such vacancy shall hold office only until a successor, to serve for the remainder of such unexpired term, has been elected at the next regular hospital district election and has qualified."

Amendment No. 3

On page 2, line 24, of said bill, strike out "SEC. 3", and insert "SEC. 4."

Amendment No. 4

On page 2, line 35, of said bill, strike out "SEC. 4.", and insert "SEC. 5."

Amendment No. 5

On page 3, line 7, of said bill, strike out "SEC. 5.", and insert "SEC. 6."

Amendment No. 6

On page 3, line 11, of said bill, strike out "SEC. 6.", and insert "SEC. 7."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

CONSIDERATION OF DAILY FILE (RESUMED)**CONSIDERATION OF SPECIAL ORDER**

The hour of 2.30 p.m. having arrived, the motion to reconsider the vote whereby Assembly Joint Resolution No. 26 was adopted, was taken up.

Assembly Joint Resolution No. 26—Relative to the participation of the United States in a world federal government.

MOTION TO RECONSIDER ASSEMBLY JOINT RESOLUTION NO. 26

Pursuant to his motion previously made, Senator Donnelly moved that the Senate, at this time, reconsider the vote whereby Assembly Joint Resolution No. 26 was adopted.

Point of Order by Senator Salsman

Senator Salsman rose to a point of order that the motion to reconsider is not debatable, since the motion for the previous question had been adopted on the resolution before the motion to reconsider. (Mason's Manual, Page 117, Section 94.)

The President ruled the point of order well taken.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Donnelly moved a call of the Senate.

Motion carried. Time, 3.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 47—An act to repeal Sections 27206, 27207, 27208, and 27209, and to add Chapter 13.5, comprising Sections 26250, 26251, 26252, and 26253, to Part 2, Division 2, Title 3, of the Government Code, relating to duties of county recorders.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 98—An act to amend Sections 5404 and 5406 of the Welfare and Institutions Code, relating to the support and parole of persons committed to industrial farms, industrial road camps or branches of county jails for addiction to the intemperate use of stimulants, dipsomania or inebriety.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "stimulants", and insert "habit forming drugs, as provided in this article,".

Amendment No. 2

On page 1, line 8, of said bill, strike out "confined", and insert "committed to the Department of Mental Hygiene for placement".

Amendment No. 3

On page 1, line 9, of said bill, strike out "insane", and insert "mentally ill".

Amendment No. 4

On page 1, line 19 of said bill, strike out ", whether to a hospital," and insert "to".

Amendment No. 5

On page 2, line 5, of said bill, after the word "pay", insert "to the county making the commitment".

Amendment No. 6

On page 2 of said bill, strike out lines 7 and 8, and insert "mitment, and to pay to the".

Amendment No. 7

On page 2, line 12, of said bill, strike out "hospital,".

Amendment No. 8

On page 2 of said bill, strike out lines 27 to 31, inclusive.

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 80—An act to amend Section 810 of the Agricultural Code, relating to artichoke standards.

Bill read third time.

Motion to Amend

Senator Weybret moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 8, of the printed bill, as amended, strike out "above", and insert "beyond the area of attachment of the stem to".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 1278—An act to add Section 3332 and to repeal Sections 3259, 3304, and 3304.5 of, the Welfare and Institutions Code, relating to institutions for the blind under the jurisdiction of the Department of Education.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 726—An act to amend Sections 10150.5, 10158, 10176, 10177, 10177.5, 10211, and 10213.5 of, and to add Sections 10161.5, 10150.6, and 10177.6 to the Business and Professions Code, relating to real estate regulations, including licenses and disciplinary action.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Hugh M. Burns, Michael J. Burns, Busch, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Jespersen, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—27.

NOES—Senator Drobish—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 727—An act to amend Sections 10275.5, 10301, 10302, 10331, and 10333.5 of, to add Sections 10275.6, 10284.5, 10302.5, and 10302.6 to, and to renumber and amend Section 104281 of the Business and Professions Code, relating to business opportunity regulations.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—28.

NOES—Senator Drobish—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 728—An act to amend Sections 10376, 10382, 10401, 10402, and 10432.5 of, and to add Sections 10375.5, 10385.5, 10402.5, 10402.6, and 10433 to the Business and Professions Code, relating to cemetery brokerage regulations.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Desmond, Dilworth, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Ward, Watson, Weybret, and Williams—26.

NOES—Senators Donnelly, Drobish, and Sutton—3.

Bill ordered transmitted to the Assembly.

Senate Bill No. 729—An act to amend Sections 10521, 10561, 10562, 10591, and 10593.5 of, and to add Sections 10515.5, 10524.5, 10562.5, and 10562.6 to, the Business and Professions Code, relating to mineral, oil and gas brokerage.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Desmond, Dilworth, Gibson, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Ward, Watson, Weybret, and Williams—25.

NOES—Senators Donnelly, Drobish, and Sutton—3.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.04 p.m., on motion of Senator Donnelly, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Joint Resolution No. 26 refused reconsideration by the following vote:

AYES—Senators Brown, Hugh M. Burns, Crittenden, Desmond, Dilworth, Donnelly, Hatfield, Hulse, Jespersen, Mayo, Rich, Sutton, and Williams—13.

NOES—Senators Breed, Michael J. Burns, Busch, Collier, Dillinger, Drobish, Gibson, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Ward, Watson, and Weybret—22.

Assembly Joint Resolution No. 26 ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 858—An act to amend Section 10454 of the Business and Professions Code, relating to the Division of Real Estate.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 603—An act to add Section 6962 to the Education Code, relating to the education of adults.

Bill read third time.

Motion to Amend

Senator Johnson moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, beginning in line 4, strike out "confined in a public institution", and insert "who are patients in a tuberculosis ward or hospital maintained by one or more counties".

Amendment No. 2

In line 2 of the title of the printed bill, as amended in the Senate April 5, 1949, strike out the period and insert "declaring the urgency thereof, to take effect immediately."

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 432—An act to add Article 2.5 to Chapter 2 of Division 10 of the Education Code, relating to state college advisory boards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1402—An act to amend Sections 1815 and 1816 of the Education Code, relating to candidates for office of school trustee.

Bill read third time.

Motion to Amend

Senator Johnson moved the adoption of the following amendment:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "1816", and insert "1817".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 398—An act to amend Section 11151 of the Education code, relating to teachers' manuals for use in kindergarten schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Collier, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Gibson, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1492—An act to amend Sections 2, 27, 28, and 30 of the Water Conservation Act of 1927, relating to the power and authority of water conservation districts.

Bill read third time.

Motion to Amend

Senator McBride moved the adoption of the following amendment:

Amendment No. 1

On page 4, line 3, of the printed bill, after the word each, insert "one".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 624—An act to amend Section 65 of the Labor Code, relating to conciliation and arbitration of labor disputes.

Bill read third time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 7 to 11, of the printed bill, strike out
 "When the Governor finds and declares that the health or safety of a considerable segment of the public may be jeopardized by a work stoppage, the department may intervene on its own motion".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 462—An act to amend Sections 1595 and 1663 of the Labor Code, relating to employment agencies, including artists' managers, the transfer of an interest in an employment agency, and the applicability of various Labor Code sections to artists' managers.

Bill read third time, and presented by Senator Regan.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Collier, Crittenden, Dillinger, Donnelly, Drobish, Gibson, Johnson, Judah, Keating, Mayo, McBride, Miller, Parkman, Powers, Regan, Salsman, Ward, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 4.22 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

RESOLUTIONS

The following resolution was offered:

By Senators Busch, Keating, and Michael J. Burns:

Senate Resolution No. 82

Honoring the Memory of Alfred Cecil Abshire

WHEREAS, The Senate of the State of California has learned that on Wednesday, April 6, 1949 Alfred Cecil Abshire, brother of Senator F. Presley Abshire, was called from his labors; and

WHEREAS, Alfred Cecil Abshire was a native of Cloverdale, California; member of an old and highly respected family; the father of two children, one of whom, Corporal Farley A. Abshire, gave his life for the cause of liberty in World War II; and

WHEREAS, Alfred Cecil Abshire was a man of sterling character, a man of wide experience in various productive activities; and was, up to the time of his death, engaged in farming land which his father had farmed before him; and,

WHEREAS, Alfred Cecil Abshire was a man highly respected in the community in which he lived, honored by his neighbors and fellow citizens, and the type of individual the State of California can ill afford to lose; now therefore, be it

Resolved by the Senate of the State of California, That the passing of this respected citizen is deplored by this body, and that this body desires by this resolution to extend a full measure of sympathy to the bereaved family, and particularly to our esteemed fellow member, Senator F. Presley Abshire, and be it further

Resolved, That when the Senate adjourns this day it shall do so in honor of Alfred Cecil Abshire; and be it further

Resolved, That the Secretary of the Senate be, and he is hereby instructed, to prepare suitably engrossed copies of this resolution, and to forward the same to the members of the family of the late Alfred Cecil Abshire.

The resolution was read, and adopted by a rising vote of the following Senators:

Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—35.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1299

Senator Parkman moved that Senate Bill No. 1299 be withdrawn from Committee on Public Health and Safety for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1299—An act to amend Sections 20025 and 20032 of, and to add Sections 20006 and 20071.5, and Article 4.5 to Chapter 1, Part 1, Division 14 of, the Health and Safety Code, relating to police protection districts.

Bill read second time.

Motion to Amend

Senator Parkman moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill after "20006", insert ", 20032.1".

Amendment No. 2

On page 1 of said bill, after line 29, insert:

"SEC. 4. Section 20032.1 is added to said code, to read:

20032.1. In the event that the majority of persons who are taxpayers and residents of one or more precinct areas within the proposed district, petition the board to exclude their precinct area or precinct areas pursuant to Section 20032, the board shall thereupon determine whether the remaining precinct areas in the proposed district would constitute a feasible unit for a district.

(a) If the board determines that the remaining precinct areas would constitute a feasible unit for a district, it shall proceed in accordance with this chapter.

(b) If the board determines that the remaining precinct areas would not constitute a feasible unit for a district, it may reject the formation petition and all proceedings thereupon shall be terminated."

Amendment No. 3

On page 2, line 1, of said bill, strike out "SEC. 4", and insert "SEC. 5".

Amendment No. 4

On page 2, lines 2 and 3, of said bill, strike out "or a", and insert "within the county in which the district is located or with the".

Amendment No. 5

On page 2, line 5, of said bill, strike out "SEC. 5", and insert "SEC. 6".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 96
Assembly Bill No. 498
Assembly Bill No. 685
Assembly Bill No. 686
Assembly Bill No. 735
Assembly Bill No. 793
Assembly Bill No. 876
Assembly Bill No. 877
Assembly Bill No. 901
Assembly Bill No. 945

Assembly Bill No. 1194
Assembly Bill No. 1022
Assembly Bill No. 1351
Assembly Bill No. 1576
Assembly Bill No. 1578
Assembly Bill No. 1751
Assembly Bill No. 1979
Assembly Bill No. 1991
Assembly Bill No. 2496

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 96—An act to amend Section 102 of the Agricultural Code, relating to the fees of the Agricultural Commissioner.

Referred to Committee on Agriculture.

Assembly Bill No. 498—An act to amend Section 6140 of the Business and Professions Code, relating to fees payable by members of the State Bar.

Referred to Committee on Judiciary.

Assembly Bill No. 685—An act to amend Section 7873 of the Revenue and Taxation Code, relating to the motor vehicle fuel license tax.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 686—An act to amend Section 10100 of the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 735—An act to amend Section 627.5 of the Agricultural Code, relating to chocolate drinks containing milk or skimmed milk.

Referred to Committee on Agriculture.

Assembly Bill No. 793—An act to amend Section 7380 of and to add Section 7385 to, the Business and Professions Code, relating to cosmetology.

Referred to Committee on Business and Professions.

Assembly Bill No. 876—An act to amend Section 1011.5 of the Fish and Game Code, relating to sharks.

Referred to Committee on Fish and Game.

Assembly Bill No. 877—An act to amend Section 87 of the Fish and Game Code, relating to districts.

Referred to Committee on Fish and Game.

Assembly Bill No. 901—An act to amend Sections 3854, 3856, and 3861 of, and to add Section 3863 to, the Labor Code, relating to attorney's fees.

Referred to Committee on Labor.

Assembly Bill No. 945—An act to amend Sections 1670 and 1679 of the Business and Professions Code, relating to disciplinary action against licensed dentists.

Referred to Committee on Business and Professions.

Assembly Bill No. 1022—An act to amend Sections 17319.3, 17325, and 18402, and to add Section 17053.7, to, the Revenue and Taxation Code,

relating to personal income taxes, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1194—An act to amend Section 1170 of the Probate Code, relating to real property affected by the death of any person, providing for filing of a petition with respect thereto.

Referred to Committee on Judiciary.

Assembly Bill No. 1351—An act to amend Section 117p of the Code of Civil Procedure, relating to fees in the small claims court.

Referred to Committee on Judiciary.

Assembly Bill No. 1576—An act relating to the application for, acceptance and use of, funds or assets of the California Rural Rehabilitation Corporation from the trustee thereof.

Referred to Committee on Agriculture.

Assembly Bill No. 1578—An act to amend Section 788 of, and to add Section 829.8 to, the Agricultural Code, relating to standard containers for fruits and vegetables.

Referred to Committee on Agriculture.

Assembly Bill No. 1751—An act to amend the article headings of Article 1 and Article 2 of Chapter 3 of Part 1 of Division 6 of the Welfare and Institutions Code, and to amend Sections 5350, 5352, 5354, 5355, 5400, 5401, and 5404 of said code, relating to drug addicts, designating certain persons as narcotic drug addicts, and other persons as addicted to the intemperate use of habit forming drugs, and providing for their commitment.

Referred to Committee on Judiciary.

Assembly Bill No. 1979—An act to amend Section 4828 of the Business and Professions Code, relating to license to practice veterinary medicine, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Business and Professions.

Assembly Bill No. 1991—An act to amend Section 526 of the Agricultural Code, relating to milk products plants.

Referred to Committee on Agriculture.

Assembly Bill No. 2496—An act to amend Section 630 of the Probate Code, relating to summary probate proceedings.

Referred to Committee on Judiciary.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Constitutional Amendment No. 31: By Senator Kraft—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 14 of Article I, relating to the taking or damaging of land for public use.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 43—Relative to honoring the memory of Caroline Hall Breed;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the sixth day of April, 1949, at 4 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1492

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which were referred:

Senate Bill No. 558

Senate Bill No. 699

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

HATFIELD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 5, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which were referred:

Assembly Bill No. 63

Assembly Bill No. 1411

Assembly Bill No. 1408

Assembly Bill No. 1413

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

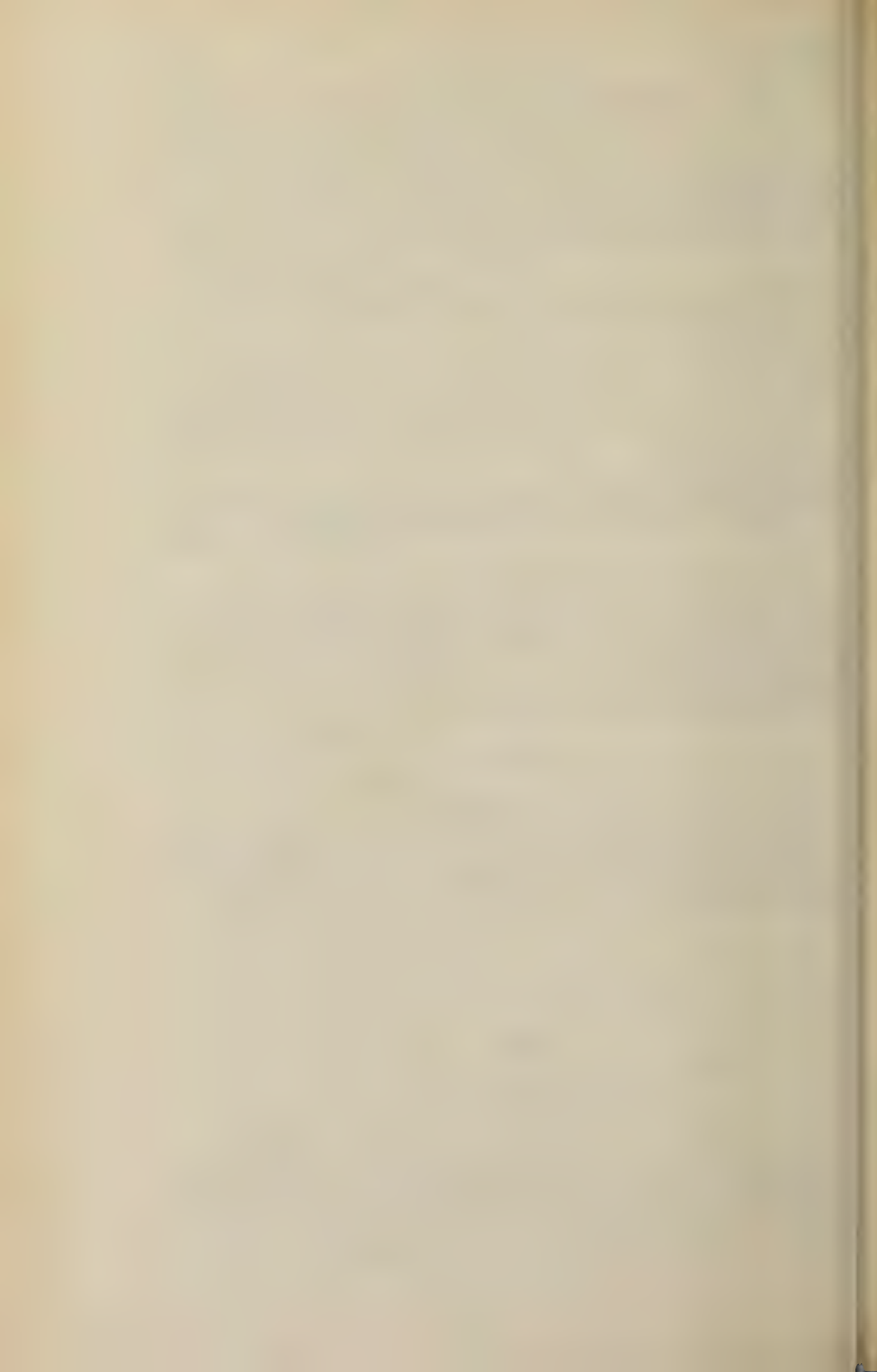
HATFIELD, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 4.30 p.m., on motion of Senator Salsman, the President declared the Senate adjourned until 1.30 p.m., Thursday, April 7, 1949, out of respect to the memory of the late Alfred Cecil Abshire, brother of Senator F. Presley Abshire.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FORTY-FIFTH LEGISLATIVE DAY

NINETY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, April 7, 1949

The Senate met at 1:30 p.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Buseh, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Abshire, on motion of Senator Watson, due to legislative business.

Senator Weybret, on motion of Senator Watson, due to legislative business.

Senator Coombs, on motion of Senator Watson, due to legislative business.

Senator Dorsey, on motion of Senator Watson, due to illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Paul F. Finley, Ross H. Boyd, C. R. Williams, and Harry J. Johnson, all of Porterville.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayor and Mrs. George Walker of Yreka.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. V. Garrod and Vince Garrod of Saratoga.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Jean Fuller, President, Southern Division, California Council of Republican Women, of Encino.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack Armstrong, Chairman, Board of Supervisors, of Red Bluff.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wilson, teacher, and the following students of the Fremont School of Oakland: Don Bellum, Ray Conder, Bob Conner, Tom Cortese, Connie D'Ambrosio, Olympic Dietus, Pat Flood, Lorraine Fults, Ken Getz, Richard Geltz, Pat Gilbert, Pat Harper, Earl Jackson, Don Johnson, Roy Kerns, Lorna Matthi, Diane McDonald, Rodney McPeak, Ronald Melon, Bill Murphy, Sue Ortiz, Maydelle Owens, Bert Pease, Vern Pendleton, George Perry, Gil Perry, Bob Purcell, Bob Rodrigues, Roger Siegal, Jack Terry, Duane Wallace, Neil Garman, and Betty Fernandez.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gilbert Tennis, City Superintendent, Mel Johns, teacher, and the following students of the J. S. Hennessy School of Grass Valley: Ora Baker, Marilyn Blaine, Mary Jane Brown, Joan Carvin, Marie Davis, Carole Freeman, Patricia Gillett, Carol Hayes, Maryeda Hayes, Virginia Lee, Jacqueline Lewis, Romona McCully, Betty Jean Messing, Shirley Patterson, Beverly Thorne, Shirley Roberts, Shirley West, Dan Alley, Bill Andrews, Charles Ausley, Jim Benjamin, Gary Christl, Charles Cross, Norman Day, Lee Droivold, Vandel Eades, Sam Hardin, Gene Kuster, Frank Lee, Vernon Phillips, Donald Roddy, Carlton Thomas, Merlyn Thorne, Merrill Tompkins, Roy Wallen, and Robert Hudson.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to David Dalke, Rural Superintendent, and the following students of the Union Hill School in Nevada County: Christenia Hutchison, Joyce Frey, Pat Schimke, Janet Bourquin, Marie Anderson, Janet Lair, John Wells, Jim Lusk, Don Rodger, Harold Cantrill, Carroll Beaver, and Carl O'Young.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to David Dalke, Rural Superintendent, and the following students of the Rough and Ready School in Nevada County: Donald Painter, Robert Steuber, Francis Nill, and Margene Filer.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to David Dalke, Rural Superintendent, and the following students of the Chicago Park School in Nevada County: John Stewart, Norajeane Cranford, Darcy Murphy, and Brent Walter; Gladys Reuter of Forest Springs School in Nevada County.

On request of Senators Jespersen and Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Oscar D. Mueller, principal, and the following students of the Trinity Lutheran School of Sacramento: Grade Eight—Mareen Rieppel, Phillip Rohrke, Richard Weber, Sally Wilder, and Marcia Wenzel; Grade Seven—Margaret Heinitz, Ralph Herrmann, Dorene Lapp, Duane Malme, Harold Meyer, Roger Neu, Russell Pullmann, Hazel Robertson, and Beth Turpen; Grade Six—Duane Anderly, Charles Berg, Marilyn Buchmiller, Howard Camp, Robert Fickenschier, Karla Hansen, Raymond Huckle, Rochelle Krumenacker, Betty Pullmann, Lewis Robertson, and Robert Sutter; Grade Five—Carole Appel, Norma Camp, Nyla Marchese, Gilbert Mueller, Richard Ochoa, Karen Ogaard, Charles Weber, and Herman Zimmerman.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. W. E. Creed, Mrs. Adelaide Tilton, Mrs. J. F. Hancock, and Mrs. Ada Staples of Oakland.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rachel H. Wyllie of San Diego, Mrs. Henry Lyman of Pasadena, Mrs. Louis Coelho of Fresno, and Mary Woolley of North Hollywood.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Autumn Shade of Los Angeles.

On request of Senators Desmond and Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thomas L. Hickey of San Mateo County.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ed Haehl of Boonville, E. E. Safford of Willits, George Decker of Fort Bragg, and James E. Busch of Ukiah.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Frank Rowe of Grass Valley.

On request of Senators Drobish and Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Grayson Price, Chairman, Butte County Bar Association, of Chico.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisors Totten and Coffin of Lassen County, Supervisor Blackburn of Plumas County, and Supervisor Fulcher of Modoc County.

On request of Senators Powers and Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Virginia Carroll, teacher, and the following students of the Grant Union High School of Sacramento: Ronald Ackerman, Charles Anderson, Joyce Anderson, Vernon Boston, Joanne Brainard, Irma Carlson, Katherine Chase, Scott Chileott, Jack Coburn, Norbert Deschenes, Jim Deys, Don Emery, Gene Filipski, Betty Frates, Dixie Lee Hale, Dennis Kaupal, Patricia LaFond, Austin Loomis, Rollin Mayer, Jackie McDonald, Margaret Mott, William Olsen, Robert Orpinela, Harry Posner, and Margie Wright.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following students of the Sonoma Valley Union High School of Sonoma: Bonnie Andrews, Evelyn Andrews, Leslie Aubin, Mary Bacher, Clark Blake, Dolores Canevari, Bill Coops, Ruth Curtin, Naida Davenport, Betty Dillman, Jerry Duncan, Earl Ebert, Leo Felder, Emilio Finato, Pat Foster, Olga Cordenker, Pat Gibson, Trena Graves, Tom Gregory, Marge Gunderson, Louise Hansken, Tony Jacobsen, Peggy Johnson, Fim Kirk, Helene Ladd, Delberta Lighthill, Carroll Marsh, Arthur Mattocks, Cathy McCarthy, Donn McVeigh, Doug McVeigh, Eileen McKenna, Carson Mitchell, Rhoma Mitchell, Pat Moser, Bertha Munger, Jim Newland, Don Orlandi, Leona Owen, Bud Palmore, Barbara Perry, Mary Pfeiffer, Glenn Pursell, Pete Quinn, Joan Reynolds, Joe Samson, Bud Siegel, Gladys Strader, Lisa Sandstrom, Nancy Simpson, Janet Steckbar, Arthur Stewart, Jim Stone, LeRoy Stone, Charlie Wheeler, Gene McKamey, Vera Williams, and Fred Roseme.

REQUEST FOR UNANIMOUS CONSENT

Senator Salsman asked for, and was granted, unanimous consent to have the following announcement printed in the Journal:

Senator Salsman announced that there had been placed on the desk of each Senator a 1-lb. box of Sunsweet Prunes and a bottle of Prune Juice, the gift of the California Prune & Apricot Growers Association, distributed through the efforts of Mr. R. Vince Garrod of Saratoga.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Desmond, ordered printed in the Journal:

SACRAMENTO CITY COUNCIL.
COUNCIL CHAMBER, CITY HALL, SACRAMENTO, April 6, 1949

*California State Senate
State Capitol Building
Sacramento, California*

MEMBERS IN SESSION: At a meeting of the City Council held on date of April 1, 1949, Resolution No. 759, certified copy of which is attached hereto, was adopted.

This resolution requests that the Legislature defeat proposed legislation intended to divert an appropriation originally made for the purpose of purchasing a new site for the California State Fair.

Yours very truly,

PAUL H. MANBY
Chief Deputy City Clerk

RESOLUTION No. 759

Adopted by The Sacramento City Council on date of April 1, 1949

WHEREAS, The Legislature of the State of California has heretofore appropriated funds for the purchase of a new site for the California State Fair; and

WHEREAS, There is now before the Legislature a measure intended to divert this appropriation into other channels; and

WHEREAS, The Council is of the firm opinion that the bill under consideration to use these funds for other purposes should be defeated; now, therefore, be it

Resolved, By the Council of the City of Sacramento that the Legislature of the State of California be earnestly requested to defeat the proposed legislation to divert these funds into other channels, and that such appropriation be reserved for the purchase of a suitable site in or near Sacramento for the California State Fair; and be it further

Resolved, That the City Clerk be instructed to transmit a copy of this resolution to the State Senate and State Assembly and to each representative of Sacramento County.

PAUL TAYLOR
President Pro-Tem of Council

PAUL H. MANBY
Chief Deputy City Clerk

Certified as true copy of Resolution No. 759. Date certified April 6, 1949.

PAUL H. MANBY
Deputy City Clerk, City of Sacramento

(SEAL)

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 271

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 295

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 62

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Joint Resolution No. 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 802

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 730

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1574

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 998

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWBRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Joint Resolution No. 22

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWBRIGHT, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 603

Senate Bill No. 1402

Senate Bill No. 624

Senate Bill No. 1492

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 80

Senate Bill No. 98

And reports the same correctly re-engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 150

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 146

Senate Bill No. 1075

Senate Bill No. 405

Senate Bill No. 1218

Senate Bill No. 406

Senate Bill No. 1522

Senate Bill No. 428

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 6, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Senate Bill No. 147

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Assembly Bill No. 1078

Assembly Bill No. 2780

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 3; absent 2.

POWERS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Senate Joint Resolution No. 26

Senate Joint Resolution No. 28

Senate Concurrent Resolution No. 42

Assembly Joint Resolution No. 29

Assembly Concurrent Resolution No. 56

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 3; absent 2.

POWERS, Chairman

Above reported resolutions ordered to third reading.

MOTION TO REFER REPORT TO LEGISLATIVE AUDITOR

Senator Hatfield moved that the report of the Cooperative Committee on School Finance, submitted by the State Department of Education, be referred to the Legislative Auditor for examination and analysis and a report be submitted to the Senate.

Motion carried.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 1171—An act to repeal Chapter 3.3 of Article 1, Division 1, Part 6, comprising Sections 3490 to 3494, inclusive, of the Revenue and Taxation Code, relating to the disposition of tax delinquent property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 438—An act to amend Section 1300.1a of the Agricultural Code, to provide a graduated scale of bonding requirements for processor buyers of farm products.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

Delete the present long title of the bill, and insert in lieu thereof

"An act to add Chapter 6a to Division 6 of the Agricultural Code to provide for protection of producers from losses sustained by reason of insolvency of processors, commission merchants, or produce dealers."

Amendment No. 2

Strike out Section 1, consisting of pages 1 and 2, and lines 1 to 34, inclusive, on page 3.

Amendment No. 3

"SECTION 1. Chapter 6a is hereby added to Division 6 of the Agricultural Code, to read as follows:

CHAPTER 6a. FARM PRODUCTS INSURANCE FUND

1275. As used in this chapter:

(a) The term "producer" means any person engaged in the business of growing or producing any farm product.

(b) The term "farm product" shall include any product included in the definitions of "farm product" in Chapter 6 and in Chapter 9 of this division.

(c) The terms "commission merchant," "dealer," and "processor" shall have the same meanings as in Chapters 6 and 9 of this division.

(d) The term "applicant" shall mean any commission merchant, dealer or processor who is applying for a license under Chapter 6 and/or 9 of this division, to do business in such capacity or capacities.

(e) The term "licensee" shall mean any commission merchant, dealer or processor who has received a license under Chapter 6 and/or 9 of this division, to do business in such capacity or capacities.

(f) The term "insolvent licensee" shall mean any licensee who has failed to pay producers for deliveries, purchases or consignments of farm products and against whose surety the director has filed a demand for payment on a bond or bonds posted by said licensee with the director pursuant to the provisions of Chapter 6 and/or 9 of this division.

(g) The term "Farm Products Insurance Fund" and the term "Fund" shall mean the fund of money established in the State Treasury as provided in this chapter.

(h) The term "committed" shall mean that portion of the fund which is earmarked or set aside to pay specific claims of producers or to pay the administrative expenses of the fund.

(i) The term "uncommitted" shall mean that portion of the fund which is not earmarked or set aside for any specific purpose.

(j) The term "verified claim" shall mean the total verified claim of any producer against an insolvent licensee, as determined and ascertained by the director under the provisions of Chapter 6 or 9 of this division.

(k) The term "net claim" shall mean the verified claim of any producer minus the number of dollars representing the producer's pro rata share of the recovery from the surety on a bond of an insolvent licensee.

(l) The term "payable claim" shall mean $\frac{75}{100}$ percent of the net claim.

(m) The term "unit" shall mean the payable claims of all of the producer creditors of a particular insolvent licensee.

1276. Before any license is issued to any applicant, the applicant, in addition to the license fee or fees set forth in Chapter 6 and/or 9 of this division, shall pay a fee to the director equal to one-twentieth of 1 per cent of his total purchases or consignments of farm products from producers during the year prior to the year for which the license is issued; provided, that the minimum fee under this chapter for any applicant shall be ten dollars (\$10) and the maximum fee under this chapter shall be seven hundred fifty dollars (\$750).

1276.1. All fees collected by the director pursuant to this chapter shall be deposited in an account in the State Treasury to be termed the Farm Products Insurance Fund, such fund to be maintained and disbursed only as provided in this chapter under the supervision and upon the order of the Director of Agriculture.

1276.2. When the director determines that the uncommitted portion of the fund at the end of any year exceeds one million dollars, the director shall adjust the amount of the fee provided for in this chapter (including the minimum and maximum fee) to an amount not greater than that provided in Section 1276, which, in his determination, will maintain the fund at approximately one million dollars.

1276.3. The director shall require applicants to state in applications for licenses the amount of purchases or consignments of farm products from producers during the previous year. Wilful understatement of such amount will constitute a violation of Chapter 6 or 9, as the case may be, of this division.

1277. The director shall pay the payable claims of producers from the fund, as provided hereinafter.

1277.1. In the case of each insolvent licensee the director shall, in accordance with the procedures set forth in Chapters 6 and 9 of this division and in this chapter, determine the amount of the verified claim, net claim and payable claim of each producer-creditor of such insolvent licensee.

1277.2. As the amount of each payable claim is determined, an account payable in such amount in the name of the producer shall be established on the books of the fund.

1277.3. If the uncommitted portion of the fund at any time is inadequate to permit the establishment of accounts payable for each and all of the payable claims constituting a unit, such units and subsequent units shall be held in a deferred file. As the uncommitted balance of the fund may subsequently permit, accounts payable shall be established from the deferred file according to the following rules of priority (1) all payable claims in one unit shall have the same priority, and accounts payable for none of such claims shall be established until accounts payable for all of such claims may be established, (2) as between units the order of priority shall be in accordance with the date on which demand on the surety of the bond was made, (3) no accounts payable shall be established for any unit until accounts payable have been established for all units having priority.

1277.4. As soon as the director has ascertained the amount which any producer-creditor has received from the assets of the insolvent licensee, as determined by court action or by other means, at the discretion of the director, such amount shall be transferred from the account payable of the producer-creditor on the books of the fund to the uncommitted portion of the fund, and the balance of such account payable shall be paid to the producer-creditor.

1277.5. At his discretion the director may make uniform proportional advance payments to producer-creditors of any particular insolvent licensee, prior to the final determination of the recovery from the insolvent licensee. In such cases the director may require as a condition of making an advance to any producer-creditor that the

producer-creditor file with him a power of attorney to receive payments due such producer-creditor from the insolvent licensee and to reimburse the fund therefrom for any excess advance and to be otherwise subrogated to the rights of the producer-creditor in the assets of the insolvent licensee.

1278. Expenses of administering this chapter shall be paid by the fund."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 897—An act to amend Section 526 of the Agricultural Code, relating to milk products plant and packaging therein.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

In line 7 of the printed bill, strike out "or building".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1275—An act to amend Section 441 of the Agricultural Code, relating to the powers of the Director of Agriculture.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "shall establish", and insert "may establish temporary".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 152—An act to repeal Section 1881.3 of the Civil Code, relating to the period during which the chapter of said code relating to private bulk storage of grain shall remain in effect.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 363—An act to add Section 460.6 to the Agricultural Code, relating to milk and milk products.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1253—An act to amend Section 701 of the Agricultural Code, relating to containers for milk or milk products.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 281—An act to amend the Building and Loan Association Act by amending Section 2.02 thereof, relating to restrictions on corporate name, Section 2.04 thereof, relating to approval of articles of incorporation by the Building and Loan Commissioner, Section 2.07 thereof, relating to branches, Section 4.01 thereof, relating to guarantee stock, Section 8.03 thereof, relating to minors and married women, Section 10.03a thereof, relating to Federal Insurance Reserve Account, Section 11.04 thereof, relating to licenses for agents and salesmen, Section 12.04 thereof, relating to foreign associations, Section 12.06

thereof, relating to restrictions on advertising, Section 13.02 thereof, relating to appointees, employees and offices of the Building and Loan Commissioner, Section 13.05 thereof, relating to general duties of such commissioner, Section 13.07 thereof, relating to appraisements, Section 13.17 thereof, relating to assessments by such commissioner for salaries and expenses, and Section 15.16 thereof, relating to supervision and control of borrowers' mutual building and loan associations; repealing Section 5.03 of said act, relating to investment certificate reserve; and adding to said act Section 2.10, relating to net worth, and Section 8.13, relating to authorization to execute certificates, all relating to building and loan associations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In the title of the printed bill as amended, in line 23, strike out "net worth", and insert "investment certificate and withdrawable share reserve".

Amendment No. 2

On page 5 of the printed bill as amended, strike out lines 34 to 43, both inclusive, and insert

"(1) Five percent (5%) of the aggregate value of its outstanding shares and investment certificates;"

Amendment No. 3

On page 5, line 49, of the printed bill as amended, strike out "No", and insert "On or after October 1, 1954, no".

Amendment No. 4

On page 6, line 6, of the printed bill as amended, strike out "1951", and insert "1954".

Amendment No. 5

On page 6, line 18, of the printed bill as amended, strike out "issue or receipt its net worth shall be, and for", and strike out all of line 19.

Amendment No. 6

On page 12, line 16, of the printed bill as amended, following the word "attorney", insert "subject to the provisions of the Constitution".

Amendment No. 7

On page 13, line 9, of the printed bill as amended, strike out "latter", and insert "later".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 738—An act to amend Section 204a of the Code of Civil Procedure, relating to jury commissioners.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 826—An act to amend Section 951 of the Streets and Highways Code, relating to side paths.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1129—An act to validate the formation, organization, boundaries, acts, proceedings and bonds of fire protection districts in unincorporated areas.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1169—An act to amend Section 28131 of the Government Code, relative to compensation for public services in counties of the thirty-first class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1271—An act to add Section 31553.5 to the Government Code, relating to the membership of elective officers in county retirement associations, and to the rights and privileges of such members.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 240—An act to amend Section 11b of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "nine thousand dollars (\$9,000)", and insert "ten thousand dollars (\$10,000)".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 755—An act to amend Section 35104 of the Government Code, relating to the organization, government, and powers of cities.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 35104", and insert "Sections 37103, 37426, 38742, 43069, and 43671".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 5, inclusive, and insert

"SECTION 1. Section 37103 of the Government Code is amended to read:

37103. The legislative body may contract with any specially trained and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters.

It may pay such compensation to these experts as it deems proper.

SEC. 2. Section 37426 of said code is amended to read:

37426. If four-fifths of the legislative body do not vote to complete the sale, it shall not take further steps for sale of the property for six months after final action [without] unless it shall first call a special election on the question.

SEC. 3. Section 38742 of said code is amended to read:

38742. The legislative body of a fifth or sixth class city may:

(a) Contract for supplying the city with water for municipal purposes.
(b) Acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of the city or its inhabitants or for irrigating purposes in the city.

(c) Use any portion of the revenues from any waterworks system acquired or constructed with funds from bonds issued under an act entitled "An act to provide for

the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915, the Municipal Improvement District Act of 1927, or from general obligation bonds of the city for the payment of principal and interest of the bonds issued to provide such funds.

(d) Enter into agreements with, and accept financial or other assistance from, the United States or a federal department or agency, for the acquisition, construction, maintenance, and operation of the city water system and the sale and distribution of water from the system.

SEC. 4. Section 43069 of said code is amended to read:

43069. In a city which [has constructed] constructs embankments, sea walls, or other works to protect the city from overflow, the legislative body may levy and collect an annual property tax not to exceed twenty cents (\$0.20) on each one hundred dollars (\$100). When collected, this tax shall be kept in a separate fund and used exclusively for the purpose for which levied.

SEC. 5. Section 43671 of said code is amended to read:

43671. Proceedings are initiated when the legislative body passes an ordinance by a two-thirds vote of all its members, determining that the public interest or necessity demands the acquisition, construction, or completion of any municipal improvement, including buildings, bridges, waterworks, water rights, sewers, or other municipal improvements, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the city, and the ordinance is approved by the mayor."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 558—An act to add Section 16.5 to the Fish and Game Code, relating to the taking of deer in game refuges.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1 of the printed bill as amended in Senate April 4, 1949, strike out line 7, and insert "published in the county, or one of the counties, in which the area lies. If there is no newspaper of general circulation in any such county, the notice shall be published in such newspaper of general circulation as the commission determines will be most likely to give notice to the inhabitants of the area and such determination by the commission shall be final and conclusive."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 699—An act to add Section 16.4 to the Fish and Game Code, relating to the taking of female deer.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1 of the printed bill, as amended in Senate April 4, 1949, strike out line 8, and insert "the county, or one of the counties, in which the area lies. If there is no newspaper of general circulation in any such county, the notice shall be published in such newspaper of general circulation as the commission determines will be most likely to give notice to the inhabitants of the area and such determination by the commission shall be final and conclusive."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1509—An act to add Section 2620 to the Revenue and Taxation Code, relating to payments to taxing agencies.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 921—An act to amend Section 809 of the Agricultural Code, relating to walnut standards.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1640—An act to amend the title of Article 1 of Chapter 4 of Division 3, and Section 380.51 of the Agricultural Code, relating to swine.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1720—An act to amend Section 17 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management, and supervision," approved March 31, 1927, relating to powers of credit unions and applications for loans.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1721—An act to amend Section 18 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management, and supervision," approved March 31, 1927, relating to powers of credit unions and applications for loans.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1722—An act to amend Section 10 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management, and supervision," approved March 31, 1927, relating to powers of credit unions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1766—An act to amend Section 4 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management, and supervision," approved March 31, 1927, relating to powers of credit unions and applications for loans.

Bill read second time, and ordered to third reading.

Assembly Bill No. 158—An act to amend Section 29142 of the Government Code, relating to county and district budgets.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2370—An act to add Section 5½ to the County Water Authority Act, relating to powers of county water authorities.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2541—An act to amend Section 5 of "An act to provide for the formation of districts within municipalities for the acquisition, construction or extension of waterworks, water systems or water distribution systems; for the issuance, sale and payment of bonds of such districts to meet the cost of such waterworks, water systems or water distribution systems; and for the acquisition, construction or

extension of such waterworks, water systems or water distribution systems," approved April 26, 1935, to remove the limitation on the amount of the principal of indebtedness.

Bill read second time, and ordered to third reading.

Assembly Bill No. 3114—An act to amend Section 5 of, and to add Section 24.5 to, the Construction and Employment Act, relating to the construction of sewage projects pursuant to said act, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 63—An act to amend Section 19.6 of the Fish and Game Code, relating to the Fish and Game Commission and extending the period during which its general regulatory powers shall continue in existence.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1408—An act to repeal Section 692 of the Fish and Game Code, relating to District 22.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1411—An act to add Section 976 to the Fish and Game Code, relating to mudsuckers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1413—An act to repeal Section 995.3 of the Fish and Game Code, relating to taking sheephead and eel.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 248—An act to amend Section 4151 of the Public Resources Code, relating to camp fire permits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Donnelly, Drobish, Gibson, Hulse, Jespersen, Kraft, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—26.

NOTES—None.

Bill ordered transmitted to the Assembly.

Senator Busch Presiding

At 1.50 p.m., Senator Burt W. Busch of the Fourth District, presiding.

Senate Bill No. 323—An act to suspend the operation of Section 1065 of the Fish and Game Code, and to add Section 1065a to the Fish and Game Code, relating to the taking and use of sardines.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen,

Johnson, Kraft, Mayo, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 317—An act declaring all buildings or places, other than private dwellings, used or resorted to for purposes of public gambling to be nuisances, and providing for the abatement and prevention of such nuisances by injunction and otherwise.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

On page 3, line 14, of the printed bill as amended in Senate April 5, 1949, after "provided," insert "No such order of abatement shall be entered to the prejudice of the owner unless the court finds that such nuisance existed with the connivance of the owner of such building or place."

Amendment No. 2

On page 1 of said bill, as amended in Senate April 5, 1949, strike out lines 6 and 7, and insert "or structure of any kind as is used for the purposes declared by Section 2 to be a nuisance, unless the entire building or structure is owned, leased, or otherwise controlled by the person or persons who maintain the nuisance therein, in which case the term means the entire building or structure."

Amendments read.

Point of Order by Senator Breed

Senator Breed rose to a point of order that the discussion is not germane to the amendments which are now before us, but is directed to the bill.

The President ruled the point of order well taken.

Motion to Re-refer Senate Bill No. 317

Senator O'Gara moved that Senate Bill No. 317 and the amendments offered by Senator Salsman be re-referred to Committee on Judiciary for further study.

Roll Call Demanded

Senators Salsman, Dilworth, and Regan demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Collier, Mayo, O'Gara, and Tenney—4.

NOES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, Parkman, Regan, Rich, Salsman, Sutton, Watson, and Williams—28.

**Further Consideration of the Amendments Offered By
Senator Salsman to Senate Bill No. 317**

Amendments Withdrawn

Senator Salsman withdrew his amendments to Senate Bill No. 317.

Request for Unanimous Consent

Senator Salsman asked for, and was granted, unanimous consent to have Senate Bill No. 317 passed on file and retain its place on file.

Senate Bill No. 98—An act to amend Sections 5404 and 5406 of the Welfare and Institutions Code, relating to the support and parole of persons committed to industrial farms, industrial road camps or

branches of county jails for addiction to the intemperate use of stimulants, dipsomania or inebriety.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Collier, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobush, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Parkman, Powers, Rich, Sutton, Swing, Tenney, Watson, and Williams—27.

NOES—Senator Crittenden—1.

Bill ordered transmitted to the Assembly.

**WITHDRAWAL FROM COMMITTEE OF SENATE CONCURRENT
RESOLUTION NO. 32**

Senator Williams moved that Senate Concurrent Resolution No. 32 be withdrawn from Committee on Institutions for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Concurrent Resolution No. 32—Relative to the cessation until January 1, 1950, of expenditure for a new site for the California Institution for Women.

Resolution read.

Motion to Amend

Senator Williams moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed measure, between lines 7 and 8, insert:

"WHEREAS, The sum of \$180,000 has been allocated, pursuant to the State Post War Construction Act of 1946, for the preparation of plans and specifications for the new institution, which amount will become available for other and more vital public works if the proposal to transfer the California Institution for Women is abandoned; and"

Amendment read, and adopted.

Resolution ordered printed, and re-referred to Committee on Institutions.

**WITHDRAWAL AND RE-REFERENCE OF SENATE BILLS
NOS. 68, 1251, AND 1307**

Senator Powers moved that Senate Bills Nos. 68, 1251 and 1307 be withdrawn from Committee on Transportation and referred to Committee on Judiciary.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 18—An act to amend Section 4852.17 of the Penal Code, relating to the restoration of certain rights to persons who are granted full and unconditional pardons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Johnson, Judah,

Keating, Kraft, Mayo, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 260—An act to amend Section 16271 of the Education Code, relating to the transportation of public school pupils and employees, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Mayo.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Collier, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Judah, Keating, Kraft, Mayo, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 19—An act to amend Sections 2051 and 2065 of the Code of Civil Procedure, relating to examination and impeachment of witnesses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—30.

NOES—Senator Desmond—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1248—An act to amend Sections 11501 and 11519 of the Government Code, relating to administrative adjudication.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 90—An act to amend Section 3571 of the Education Code, relating to the formation of high school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Johnson, Judah, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Watson—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1402—An act to amend Sections 1815 and 1817 of the Education Code, relating to candidates for office of school trustee.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Watson—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 701—An act to add Section 9.5 to the Property Acquisition Act, relating to sites for student housing on the campuses of state colleges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Hugh M. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Watson—30.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 3.00 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Senate Bill No. 894—An act to amend Section 8727 of the Education Code, relating to high school tuition fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, and Watson—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 569—An act to amend Section 8161 of the Education Code, relating to the maintenance of school classes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Hugh M. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating,

Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, and Watson—27.
NOES—Senator Gibson—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1492—An act to amend Sections 2, 27, 28, and 30 of the Water Conservation Act of 1927, relating to the power and authority of water conservation districts.

Bill read third time.

Motion to Amend

Senator McBride moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 1, of the printed bill, as amended in the Senate April 5, 1949, strike out "Conservation of Water."

Amendment No. 2

On page 2 of said bill, strike out line 23, and insert "7. To have and exercise".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 1073—An act to add Sections 11, 12, 13, 14, and 15 to an act entitled "An act to provide for the maintenance of storm drain improvements, and of other watercourses or drainage channels; the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts; defining the powers of the board of supervisors and the county surveyor relative to such districts and providing for the levy and collection of taxes to defray the expenses thereof," approved May 11, 1937, and to renumber the existing sections of 11 and 12 of said act, relative to storm drain maintenance districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Hugh M. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, and Watson—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 488—An act to amend Section 7001 of the Water Code, relating to joint use of conduits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Hugh M. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, and Watson—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Kraft Presiding

At 3.10 p.m., Senator Fred H. Kraft of the Fortieth District, presiding.

Senate Bill No. 850—An act to add Chapter 1.6 to Division 3 of the Education Code, providing for school district public works, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Hulse moved the adoption of the following amendment :

Amendment No. 1

On page 9 of the printed bill, between lines 41 and 42, insert "5073.5. This act shall remain effective for two years commencing July 1, 1949."

Amendment read.

Motion to Re-refer Senate Bill No. 850

Senator Rich moved that Senate Bill No. 850 and the amendments offered by Senator Hulse to Senate Bill No. 850 be re-referred to the Committee on Finance.

Request for Unanimous Consent

Senator Dilworth asked for, and was granted, unanimous consent to have the following opinion of the Legislative Counsel regarding Senate Bills Nos. 685 and 850 printed in the Journal :

Opinion of Legislative Counsel

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, April 7, 1949

Hon. Nelson S. Dilworth
Senate Chamber

Reference of Bills to Finance Committee—No. 5665

DEAR SENATOR DILWORTH: You ask whether under the Standing Rules of the Senate it is required that Senate Bill No. 685 and Senate Bill No. 850 be referred to the Finance Committee, after having been reported out of the Committee on Education.

The Finance Committee is, under Rule 12, subdivision 5, to consider "all appropriation bills including the Budget Bill and claim bills but excepting appropriations from the funds of the Senate made by resolution."

Since neither Senate Bill No. 685 nor Senate Bill No. 850 makes an appropriation, it is not mandatory under the present Standing Rules of the Senate that these bills be referred to the Finance Committee. However the Senate may, in its discretion, refer any bill to that committee even though the bill does not make an appropriation.

The determining fact under the present rule is, of course, whether any particular bill makes an appropriation. It is recognized that an appropriation can be made in many ways, and need not contain language expressly appropriating a stated amount of money for a designated purpose. If, however, the bill does in fact make state funds available for expenditure which were not previously available, the bill would effect an appropriation and should properly be referable to the Finance Committee.

A careful analysis of both Senate Bill No. 685 and Senate Bill No. 850 fails to disclose anything contained therein which would make any money available for expenditure. These bills prescribe the procedure by which money which is otherwise made available shall be allocated, but do not in themselves make funds available for any purpose.

On April 4, 1949, the Senate adopted a motion declaring it to be the policy of the Senate that all bills carrying an appropriation, whether implied or otherwise, or requiring the expenditure of additional state moneys, be referred to the Committee on Finance and that the Committee on Rules be instructed to amend the rules to the effect that all appropriation bills be referred to the Committee on Finance. (Senate Journal, April 4, 1949, p. 956.)

The adoption of this motion would not change the existing Standing Rules, but would only be an expression of the policy of the Senate with respect to such matters.

A bill could be referred to any standing committee upon proper motion to that effect being made and adopted. Neither the rules nor the motion would require that such action be taken with respect to Senate Bill No. 685 or Senate Bill No. 850, however, unless or until the rules are changed.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By BERNARD CZEGLA, Deputy

Further Consideration of the Motion By Senator Rich to Re-refer Senate Bill No. 850 and the Amendments Offered By Senator Hulse to Senate Bill No. 850 to the Committee on Finance

Roll Call Demanded

Senators Dilworth, Salsman, and Miller demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Collier, Crittenden, Cunningham, Desmond, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, O'Gara, Parkman, Powers, Rich, Salsman, Swing, Tenney, Ward, and Watson—24.
NOES—Senators Dillinger, Dilworth, Donnelly, Drobish, Johnson, and Miller—6.

NOTICE OF MOTION TO AMEND THE RULES

Senator Powers gave notice that on Monday, April 11, 1949, he will move to amend the Standing Rules of the Senate as follows:

Rule 12, subdivision 5 of the Senate Standing Rules be amended to read:

5. Finance, 11 members. All appropriation bills including the Budget Bill and claim bills but excepting appropriations from the funds of the Senate made by resolution. *Any bill which creates an additional state agency or office, or adds new functions, duties or responsibilities to an existing agency or officer, and which would require the expenditure of additional state money in any manner shall be referred to the Finance Committee before being placed on third reading.*

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 624—An act to amend Section 65 of the Labor Code, relating to conciliation and arbitration of labor disputes.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, beginning in line 15, after the period, strike out "Records of the Department relating to", and strike out all of line 16.

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 4 of Article XXIV thereof, relating to exemptions from state civil service.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Powers, Rich, Salsman, Tenney, Ward, and Watson—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 150—An act to add Section 332.1 to the Vehicle Code, relating to operators' and chauffeurs' licenses and the driving of vehicles.

Bill read third time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendment:

Amendment No. 1

On line 2 of the title of the printed bill, as amended in the Senate April 6, 1949, strike out "operators' and chauffeurs' licenses", and on line 3, strike out "and the driving", and insert "impounding".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1075—An act to repeal Section 3722 of the Political Code, relating to the organization of river port districts for assessment and taxation purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Hugh M. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Sutton, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1522—An act authorizing the sale of certain real property in the City of Sacramento not required for existing state functions and providing for the disposition of the proceeds of such sale.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Hugh M. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Swing, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 146—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Hugh M. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Tenney, Ward, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 237

Senator Jespersen moved that Senate Bill No. 237 be withdrawn from Committee on Natural Resources for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 237—An act to provide for the development and improvement of state parks now or hereafter incorporated in the State Park System, and making an appropriation therefor.

Bill read second time.

Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 5, of the printed bill, after "System", insert "or leased by the State to the cities or counties".

Amendment No. 2

On page 1, line 9, of said bill, after "inlets," insert "estuaries, and tidal streams and rivers,".

Amendment No. 3

On page 2, line 11, of said bill, strike out "fifteen million dollars (\$15,000,000)", and insert "three million dollars (\$3,000,000)".

Amendment No. 4

On page 2, line 35, of said bill, strike out "other structures or".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 271

Senator Hatfield moved that Senate Bill No. 271 be withdrawn from Committee on Agriculture for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 271—An act to amend Sections 735.3, 736.1-1, and 736.3 of, and to add Section 735.10 to, the Agricultural Code, relating to fluid milk and fluid cream.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 11 to 26, inclusive, and insert

"Class 1. Any such milk that is supplied to consumers in the form of whole milk, which shall include "raw milk"; "pasteurized milk"; "homogenized milk"; "condensed milk," "evaporated milk," and "modified milk." that is prepared from whole fluid milk and which is not packaged in hermetically sealed containers; fluid milk containing added vitamins or flavoring; that portion of fluid milk used in any combination of fluid milk and fluid cream containing a milk-fat content in excess of the minimum statutory requirements for fluid milk and less than the minimum statutory requirements for "cream," and includes milk fat used in the standardization of Class 1 fluid

milk; fluid milk or the cream derived therefrom that is sold or disposed of by distributors for consumption as cream, as cream is defined in this code, including cream in any combination of fluid milk and fluid cream containing a milk-fat content in excess of 6.0 percent and less than the minimum statutory requirements for cream; and any such milk which is supplied to the consumer in the form of any milk product wherein market milk is used as required by the provisions of this division;

Class 2. Any such milk or the cream derived therefrom, as cream is defined in this code, that is sold or disposed of by distributors in any form not included in Classes 1 or 3;

Class 3. Any such milk or the cream derived therefrom, as cream is defined in this code, that is used by distributors in the manufacture of butter and cheese other than cottage cheese.

When a distributor's usage is fulfilled for Class 1, in the establishment of the Class 1 price the director may establish different prices for either the milk fat from such milk or the skim milk from such milk when either the milk fat from such milk or the skim milk from such milk is used for Class 2 or Class 3 purposes."

Amendment No. 2

On page 2, line 3, of said bill, as amended, strike out "Class 2", and insert "Classes 1, 2 or 3".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 7 to 11, inclusive, and insert

"(c) 'Fluid cream' means any and all cream defined in this code as cream including all combinations of milk and cream or products of cream sold under any trade name whatsoever which cream contains more than 6.0 percent milk fat and which conforms to the health and sanitary regulations of the place where such cream is to be sold or deposed of for human consumption as cream."

Amendment No. 4

On page 3, line 39, of said bill, as amended, strike out "servies" and insert "services".

Amendment No. 5

On page 4, line 14, of said bill, as amended, strike out ", as said class is", and insert "or Class 3, as said classes are".

Amendment No. 6

On page 7, line 32, of said bill, as amended, strike out "education", and insert "educational".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Tenney moved that Assembly Bill No. 2840 be taken from the inactive file and placed on the second reading file.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 405—An act to amend Section 14191 of, and to add Article 6.5, comprising Sections 14195 to 14195.4, inclusive, to Chapter 8, Part 8, Division 2, of the Revenue and Taxation Code, relating to the compromise of death taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobush, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, and Watson—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 406—An act to add Article 6.7, comprising Sections 14197 to 14197.13, inclusive, to Chapter 8, Part 8, Division 2, of the Revenue and Taxation Code, relating to the interstate arbitration of death taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jaspersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, and Watson—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 428—An act to amend Sections 2085 and 5006 of, and to add Section 5061 to, the Penal Code, relating to disposition of moneys and valuables of prisoners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1218—An act to amend Section 1260 of the Civil Code, relating to homesteads.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 481—An act to amend Section 3952 of the Revenue and Taxation Code, relating to actions by purchasers of tax deeded property to determine adverse claims to, or clouds upon that property.

Bill read third time.

The roll was called, and the bill passed by the following vote.

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Hulse, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 34—Relative to adding Rule No. 18.5 to the Joint Rules of the Senate and Assembly, relating to legislative publications.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Cunningham, Drobish, Gibson, Hulse, Judah, Keating, Parkman, Powers, Rich, Salsman, and Swing—14.

NOES—Senators Hugh M. Burns, Collier, Crittenden, Desmond, Dilworth, Donnelly, Hatfield, Kraft, Mayo, Miller, O'Gara, Regan, Sutton, Tenney, Ward, Watson, and Williams—17.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 111—An act to amend Sections 1, 2, 3, 4, and 5 of an act entitled "An act establishing a four-year state institution of higher education in the City of Los Angeles, County of Los Angeles," approved July 2, 1947, relating to the establishment, government and maintenance of a four-year state institution of higher education in the City of Los Angeles.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 817—An act to amend Section 511.3 of the Vehicle Code, relating to speed limits and the operation of vehicles upon the highways.

Bill read third time, and presented by Senator Hugh M. Burns.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Swing, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1255—An act to amend Section 51a of the Public Utility District Act of 1921, relating to public utility districts.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1253—An act to amend Section 5 of the Public Utility District Act of 1921, relating to public utility districts.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2387—An act to amend Section 5 of the Public Utility District Act, relating to hearings on petitions for organization of public utilities districts.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 9	Assembly Bill No. 1381
Assembly Bill No. 460	Assembly Bill No. 1568
Assembly Bill No. 461	Assembly Bill No. 1717
Assembly Bill No. 536	Assembly Bill No. 1743
Assembly Bill No. 770	Assembly Bill No. 1785
Assembly Bill No. 771	Assembly Bill No. 1807
Assembly Bill No. 772	Assembly Bill No. 1857
Assembly Bill No. 906	Assembly Bill No. 2139
Assembly Bill No. 917	Assembly Bill No. 2615
Assembly Bill No. 958	Assembly Bill No. 2616
Assembly Bill No. 1379	Assembly Bill No. 3101

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 9—An act to add Section 1514.3 to the Elections Code, relating to ballot pamphlets and providing for detailed analyses of measures submitted to the voters.

Referred to Committee on Elections.

Assembly Bill No. 460—An act to amend Section 370 of the Elections Code, relating to registration of voters.

Referred to Committee on Elections.

Assembly Bill No. 461—An act to amend Section 374 of the Elections Code, relating to registration of voters.

Referred to Committee on Elections.

Assembly Bill No. 536—An act to add Section 1408 to the Elections Code, relating to initiative measures.

Referred to Committee on Elections.

Assembly Bill No. 770—An act to amend Section 5700 of the Welfare and Institutions Code, relating to private institutions for the care or treatment of insane, alleged insane, mentally ill, or other incompetent persons.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 771—An act to amend Section 2300 of the Welfare and Institutions Code, relating to institutions and boarding homes for aged persons.

Referred to Committee on Social Welfare.

Assembly Bill No. 772—An act to amend Section 1620 of the Welfare and Institutions Code, relating to institutions for child care and home-finding agencies.

Referred to Committee on Social Welfare.

Assembly Bill No. 906—An act to amend Sections 914, 914.5, 915.1, 915.5, 916.1, 917.5 of, to repeal Section 917.6 of, and to add Sections 913.1 and 918.1 to the Agricultural Code, relating to agricultural and vegetable seeds.

Referred to Committee on Agriculture.

Assembly Bill No. 917—An act to amend Section 6420 of the Streets and Highways Code, relating to improvement assessments and bonds.

Referred to Committee on Local Government.

Assembly Bill No. 958—An act to add Section 14438 to the Business and Professions Code, relating to containers and container brands.

Referred to Committee on Judiciary.

Assembly Bill No. 1379—An act to amend Sections 317 and 319 of the Education Code, relating to the compensation of members of county boards of education.

Referred to Committee on Education.

Assembly Bill No. 1381—An act to amend Sections 16461, 16462, and 16463 of the Education Code, relating to the supervision of the health of public school pupils by county superintendents of schools.

Referred to Committee on Education.

Assembly Bill No. 1568—An act to amend Sections 1261, 1262, 1263, 1265, and 1266 of the Agricultural Code, relating to produce dealers.

Referred to Committee on Agriculture.

Assembly Bill No. 1717—An act to add Sections 16346, 16347, 16348, and 16349 to Article 1 of Chapter 2 of Part 2 of Division 4 of Title 2, and to amend Section 16350, of the Government Code, relating to the abolition of special funds in the State Treasury.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1743—An act to amend Sections 12460 and 12461 of the Government Code, relating to the duties of the Controller.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1785—An act to amend Sections 2110, 2111, 2112, and 2115 of the Streets and Highways Code, relating to apportionments to counties payable from the Highway Users Tax Fund.

Referred to Committee on Transportation.

Assembly Bill No. 1807—An act to add Section 104.65 to the Streets and Highways Code, relating to income from rental of properties acquired for highway purposes.

Referred to Committee on Transportation.

Assembly Bill No. 1857—An act to amend Section 16475 of the Government Code, relating to the disposition of interest and other increment derived from the investment of surplus moneys in special funds in the State Treasury.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2139—An act to add Section 1.7 to the Judges' Retirement Act and to add Section 4.7 to the Judges' Retirement Fund Act, relating to the retirement of justices and judges who served in the armed forces of the United States during war or national emergency.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2615—An act to amend the Streets and Highways Code by adding Section 5829.1, relating to joint sanitary disposal sewers.

Referred to Committee on Local Government.

Assembly Bill No. 2616—An act to amend the Health and Safety Code by adding Sections 4636.8, 4667, 4843, 4888, and 6823, relating to joint sanitary disposal sewers.

Referred to Committee on Local Government.

Assembly Bill No. 3101—An act to add Section 26733.5 to the Water Code, relating to irrigation districts and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Water Resources.

REPORTS OF STANDING COMMITTEES

Committee on Labor

SENATE CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Senate Bill No. 186

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 7; committee vote: Ayes 4; noes 2; absent 1.

JUDAH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Senate Bill No. 267

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 7.

JUDAH, Chairman

Above reported bill ordered to second reading.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Senate Bill No. 483

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 5; absent 4.

DILLINGER, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 26

Senate Bill No. 947

Senate Bill No. 28

Senate Bill No. 956

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

HUGH M. BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 11

Senate Bill No. 944

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

HUGH M. BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 730
Senate Bill No. 946
Senate Bill No. 952

Senate Bill No. 957
Senate Bill No. 958
Assembly Bill No. 373

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

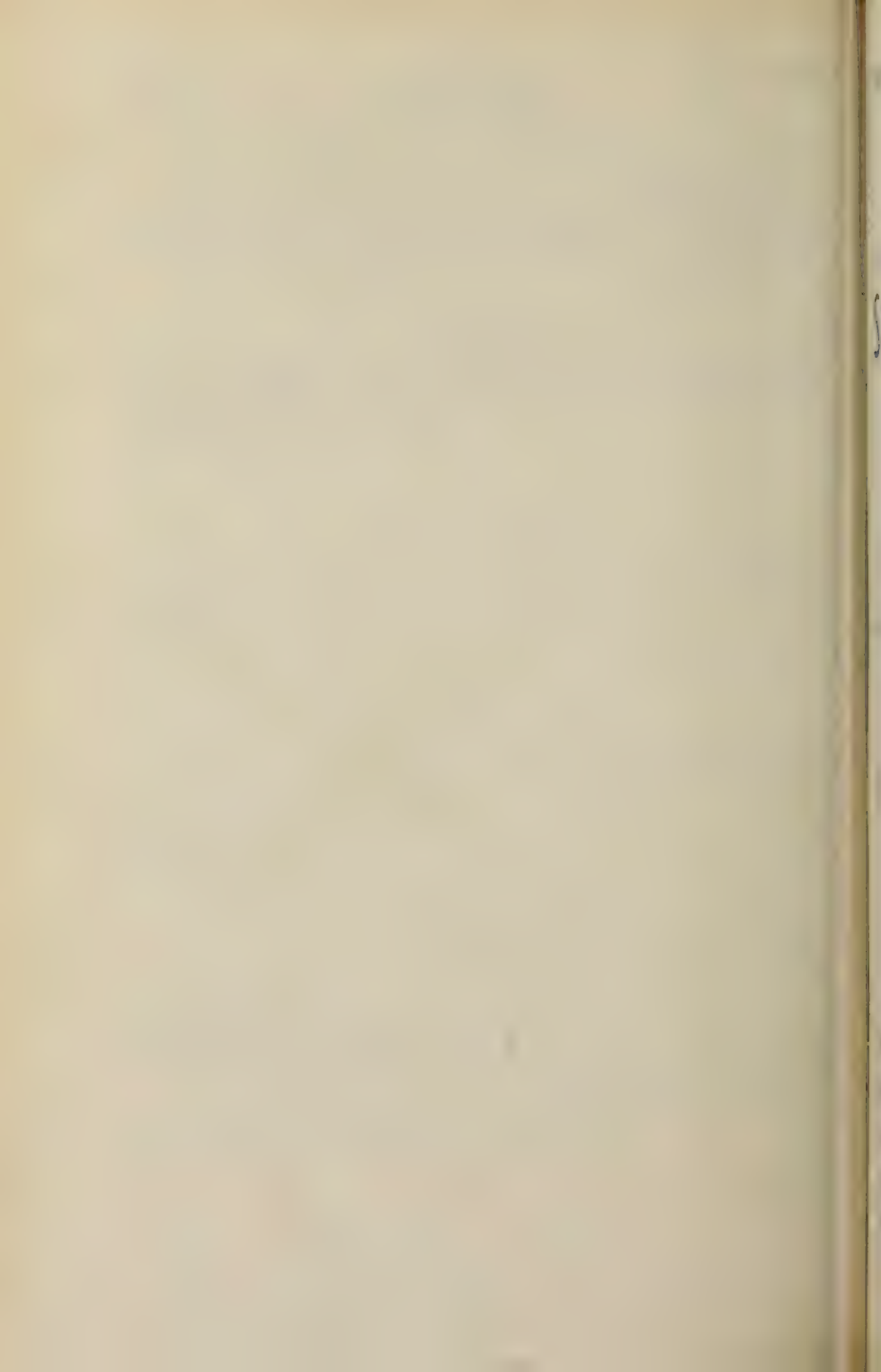
HUGH M. BURNS, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 4.45 p.m., on motion of Senator Salsman, the President declared the Senate adjourned until 10 a.m., Friday, April 8, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FORTY-SIXTH LEGISLATIVE DAY

NINETY-SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, April 8, 1949

The Senate met at 10 a.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—28.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Johnson, on motion of Senator Salsman, due to illness.

Senator Dorsey, on motion of Senator Salsman, due to illness.

Senator Regan, on motion of Senator Salsman, due to legislative business.

Senator McBride, on motion of Senator Salsman, due to legislative business.

Senator Weybret, on motion of Senator Salsman, due to legislative business.

Senator Busch, on motion of Senator Salsman, due to legislative business.

Senator Jespersen, on motion of Senator Salsman, due to legislative business.

Senator Mayo, on motion of Senator Salsman, due to legislative business.

Senator Hatfield, on motion of Senator Salsman, due to legislative business.

Senator Parkman, on motion of Senator Salsman, due to legislative business.

Senator Abshire, on motion of Senator Salsman, due to legislative business.

Senator Keating, on motion of Senator Salsman, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leon Dunning of Corcoran and J. H. Hunter of Hanford.

On request of Senators Hulse and Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Harley Knot of San Diego and Mrs. Marion Mansfield of Sacramento.

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edith L. Gallup, teacher, and the following Eighth Grade Students of the Laugenour School at Woodland: Ann Dunham, Mary Lou Buchignani, Charlotte Van Dalsem, James Lawson, Allen Roberts, Bobby Carlton, Leon Larson, Arnold Bradley, Rollie Smotherman, and Dick Criste.

On request of Senator Michael J. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arthur S. Gist, President, Humboldt State College, of Arcata.

On request of Senators Ward and Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. C. C. Baker of San Francisco, Mrs. Ernest F. Atkinson of Piedmont and Mrs. Lee Breekinridge of Berkeley.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Claude Greerty, Secretary-Manager, Chamber of Commerce of Martinez.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Lawrence C. Curtis, District Superintendent; Miss Betty Jean Merritt, Mrs. Elda Lindsay, Mr. Robert Muscio, Teachers; and Mr. Yony Silveria, Bus Driver; and the following students of the Jefferson Union Elementary School, of Lawrence Road, Santa Clara: Marvin Baker, Janet Bennett, Charles Bissell, Leroy Brown, Amy Barber, Wayne Bay, Dolly Bettencourt, Sylvia Belli, Eric Bracher, Nancy Collett, Bobby Costa, Eleanor Cabral, Eunice Coelho, Marie Diatte, Pauline Dias, Joe Downard, Gretchen Ewig, Wanda Faught, Alton Faught, Lorraine Faria, Joseph Franca, Bobby Gonzales, Janet Gibson, Warren Hayashi, Jennie Hernandez, Shirley Hirose, Darla Howard, Ann Head, Lora Hudson, Bob Johnsen, Eugene Lawrence, Malcolm Lepas, Lloyd Matsumoto, Nadine Martin, Donald Machado, Johnnie Medeiros, Joe Mello, Bob Pettigrew, Helen Parsons, Caroline Powell, Lorraine Simas, Eugene Smiley, Jacqueline Smith, June Smith, Mary Jane Riley, Reba Rogers, Rosaline Rocha, Betty Wheatley, Jerry Williams, Geraldine Witham, Hazel Williams, Pauline Butterfield, Donald Huse, and Jimmie Curtis.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 152	Senate Bill No. 1169
Senate Bill No. 363	Senate Bill No. 1171
Senate Bill No. 738	Senate Bill No. 1253
Senate Bill No. 826	Senate Bill No. 1271
Senate Bill No. 1129	
Senate Concurrent Resolution No. 42	
Senate Joint Resolution No. 26	
Senate Joint Resolution No. 28	

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 270

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 147—An act to amend Section 470 of the Agricultural Code, relating to market milk.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, lines 6 and 7, of the printed bill, strike out "an approved milk inspection service. It shall be cooled immediately after being", and insert "a milk inspection service approved by, or established by, the director. The milk shall be cooled immediately after being".

Amendment No. 2

On page 1, line 8, of said bill, strike out "fifty-five", and insert "50".

Amendment No. 3

On page 1, lines 9 and 10, of said bill, strike out "until delivered to the milk products plant", and insert "in transit at not to exceed the following temperatures upon arrival at the milk products plant, viz., 52° Fahrenheit if transported by tanker, 60° Fahrenheit if transported in cans".

Amendment No. 4

On page 1, line 11, of said bill, strike out "fifty-five", and insert "50".

Amendment No. 5

On page 1, line 16, of said bill, strike out "fifty-five", and insert "50".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 186—An act to add Chapter 8.5, comprising Sections 1141 and 1146, inclusive, to Part 3 of Division 2 of the Labor Code,

relating to voluntary mediation and publication of facts concerning labor disputes.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Labor:

Amendment No. 1

On page 1, line 15, of the printed bill as reported to Senate March 21, 1940, amend "and" to read "or".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 287—As yet to amend Section 1114 of the Labor Code, relating to law for greater protection.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 453—As yet to provide for the relief of the housing shortage by providing for the acquisition of low cost portable housing units for the State and for the creation and management of such units and the construction of apartment facilities by local governmental agencies pursuant to agreements between such agencies and the State, prescribing the terms and conditions of such agreements, providing for the termination of the housing program contemplated by this act and setting an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, lines 10 and 11, of the printed bill, strike out "Public Works", and insert "Public".

Amendment No. 2

On page 1, line 1, add at the end of the word "shall" on line 1, strike out "the standard which is used" and insert "the standard for the standard which is used".

Amendments read, and adopted.

Bill ordered printed, and to be referred to Committee on Social Welfare.

Senate Bill No. 26—As yet to amend Section 4341 of the Business and Professions Code, relating to the establishment of branch law libraries.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 98—As yet to amend Section 4341 of the Business and Professions Code, relating to the effect of Division I, Chapter 1 of the Business and Professions Code on law libraries formed under prior laws.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 145—As yet to amend Section 2619 of the Business and Professions Code, relating to the definition of the words "diagnosis" and "diagnosis".

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 956—An act to repeal Section 2315 of, and to amend Sections 2321 and 2322 of, the Business and Professions Code, relating to reciprocity under the chapter on medicine and surgery.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 11—An act to amend Section 3041 of the Business and Professions Code, relating to the practice of optometry.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Senate March 7, 1949, strike out "Section 3041", and insert "Sections 3041 and 3042".

Amendment No. 2

On page 1 of said bill, strike out lines 3 and 4, and in line 5 strike out "drugs for the", and insert

"3041. The practice of optometry is the doing, without the use of drugs, of any or all of the following acts, either singly or in combination with others:

(a) The".

Amendment No. 3

On page 1 of said bill, after line 18, insert

"SEC. 2. Section 3042 of said code is amended to read:

3042. The provisions of this chapter do not prevent a duly licensed physician and surgeon from treating or fitting glasses to the human eye, *or from doing any act within the practice of optometry*, or a duly licensed physician and surgeon, oculist or optometrist from filling prescriptions or orders, nor do they prevent the replacing, duplicating or repairing of ophthalmic lenses or the frames or fittings thereof by persons qualified to write or fill prescriptions or orders under the provisions of this chapter, nor prevent the doing of the merely mechanical work upon such lenses or upon the frames or fittings thereof by an optical mechanic.

It is unlawful for any person to dispense, replace or duplicate an ophthalmic lens or ophthalmic lenses without a prescription or order from a duly licensed physician and surgeon, oculist or optometrist."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 944—An act to amend Section 551 of the Business and Professions Code, relating to the prevention of blindness at child-birth.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 16, of the printed bill, insert

"The provisions of this section with regard to treatment shall not apply to any infant whose parents have given written objection thereto on the ground that such treatment is contrary to their religious beliefs."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 730—An act to add Section 11021 to the Business and Professions Code, relating to subdivided lands.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, lines 8 and 9, of the printed bill, strike out "any instrument which purports to affect the title to, or any interest in," and insert "a deed conveying".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 946—An act to amend Section 2008 of the Business and Professions Code, relating to professional rights, privileges or powers, and charitable institutions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "Board of Medical Examiners", and insert "board".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 952—An act to amend Section 2145 of the Business and Professions Code, relating to physicians and surgeons visiting the State.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 6, of the printed bill, insert "or California Osteopathic Association" immediately following the word "Association".

Amendment No. 2

On page 1, line 6, of said bill, strike out the word "its" immediately following the words "one of", and insert "their".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 957—An act to amend Section 2326 of the Business and Professions Code, relating to practice of chiroprody.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 4, of the printed bill, after "state" insert "unless he has completed a one year course in chiroprody in a college or university in this State accredited by the National Association of Chiroprodists and has passed a written examination as

provided in Section 2292 of the Business and Professions Code and given by the Board of Medical Examiners."

Amendment No. 2

On page 1 of said bill, strike out line 7 and "be given by the Board of Medical Examiners." in line 8.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 958—An act to amend Section 2377 of, and to repeal Sections 2378, 2379, 2380, 2380.5, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2391.5, 2392, 2393, 2394, 2395, 2396, 2397, 2398, and 2399 of, the Business and Professions Code, all relating to the grounds for denial, suspension or revocation of certificates to practice medicine and surgery, drugless practitioner certificates, chiroprody certificates, or certificates to practice midwifery.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 3, line 25, of the printed bill, insert "doctor of" immediately preceding the word "osteopathy".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1078—An act providing for the compilation, publication, and distribution of a State Blue Book.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2780—An act to amend Section 9320 of the Government Code, relating to the compensation of officers and employees of the Senate and Assembly and making an appropriation for the payment of such compensation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 373—An act to amend Section 7026 and repeal Section 7027 of, and to add Sections 7050, 7051, 7052, and 7053 to, the Business and Professions Code, relating to contractors.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

In line 25 of the printed bill, following the word "civil", add "or professional".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2840—An act to amend Section 1 of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, and to amend Section

34112 of, and to add Section 34112.4 to, the Government Code, creating new classes of cities to be known as cities of the four and seven-eighths class and cities of the four and five-eighths class, and to provide for their organization, to take effect immediately.

Bill read second time, and ordered to third reading.

RECESS

At 10.15 a.m., on motion of Senator Salsman, the Senate recessed to allow Senator Coombs to introduce to the Senate Jack Foott, President, Associated Students California Aggies, and Horace Hampton, Editor of California Aggie, of the University of California at Davis, who invited the Senate to attend their picnic April 9, 1949.

REASSEMBLED

At 10.20 a.m., the Senate reconvened.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the Desk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 150

Senate Bill No. 624

Senate Bill No. 1492

And reports the same correctly re-engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 240

Senate Bill No. 897

Senate Bill No. 558

Senate Bill No. 1275

Senate Bill No. 699

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 7

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 410

Senate Bill No. 1488

Senate Bill No. 446

Assembly Bill No. 2428

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 557

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS**

Senate Bill No. 317—An act declaring all buildings or places, other than private dwellings, used or resorted to for purposes of public gambling to be nuisances, and providing for the abatement and prevention of such nuisances by injunction and otherwise.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended in Senate April 5, 1949, strike out lines 6 and 7, and insert "or structure of any kind as is used for the purposes declared by Section 2 to be a nuisance, unless the entire building or structure is owned, leased, or otherwise controlled by the person or persons who maintain the nuisance therein, in which case the term means the entire building or structure."

Amendment No. 2

On page 3, line 14, of the printed bill, as amended in Senate April 5, 1949, after "provided," insert "No such order of abatement shall be entered to the prejudice of the owner unless the court finds that such nuisance existed with the connivance of the owner of such building or place."

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 1080—An act to add Article 5B to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of said committee and of the Veterans' Welfare Board and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1950.

Bill read third time.

Motion to Amend

Senator Coombs moved the adoption of the following amendments:

Amendment No. 1

In lines 8 and 9 of the title of the printed bill, strike out "Veterans' Welfare Board", and insert "Department of Veterans Affairs".

Amendment No. 2

On page 2, line 32, of said bill, after "binding", insert "general".

Amendment No. 3

On page 3, line 16, of said bill, after "binding", insert "general".

Amendment No. 4

On page 4 of said bill, strike out lines 13 to 20, inclusive, and insert "995.06. The sum of seventy-five thousand dollars (\$75,000) is hereby appropriated out of the General Fund to be used as a revolving fund to pay the expenses incurred by the State Treasurer in having said bonds prepared and in advertising their sale or their prior redemption. Whenever bonds are sold, out of the first moneys realized from the sale of said bonds, there shall be redeposited in the revolving fund such sums as the treasurer has expended for the purpose which may be used for the same purpose and repaid in the same manner whenever additional sales are made. Whenever all the bonds authorized by this article have been sold, said revolving fund shall be refunded to the General Fund in the State Treasury."

Amendment No. 5

On page 4, line 22, of said bill, strike out "at public sale".

Amendment No. 6

On page 4, line 23, of said bill, after "cash," insert "either at public sale or upon sealed bids as the Veterans' Finance Committee of 1943 may by resolution determine".

Amendment No. 7

On page 5, line 14, of said bill, after "delivery," insert "Signature of the State Treasurer may be by signature stamp."

Amendment No. 8

On page 7, line 29, of said bill, after "payable", insert "at any time within".

Amendment No. 9

On page 8 of said bill, between lines 9 and 10, insert "995.5. So long as any bonds authorized under this article may be outstanding, the Director of the Department of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, such survey to be made by an independent public accountant of recognized standing. The results of such surveys and projections shall be set forth in written reports and said independent public accountant shall forward copies of said reports to the Director of the Department of Veterans Affairs, the members of the California Veterans Board, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse said independent public accountant for his services out of any funds which said division may have available on deposit with the Treasurer of the State of California."

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 624—An act to amend Section 65 of the Labor Code, relating to conciliation and arbitration of labor disputes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Kraft, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—23.

NOES—Senators Collier and Dilworth—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 685—An act to add Section 5044.5 to the Education Code, relating to school district public works.

Motion to Re-refer Senate Bill No. 685

Senator Dilworth moved that Senate Bill No. 685 be re-referred to Committee on Education.

Motion carried.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 1275—An act to amend Section 441 of the Agricultural Code, relating to the powers of the Director of Agriculture.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, O'Gara, Powers, Salsman, Sutton, Tenney, Watson, and Williams—23.
NOES—None.

Bill ordered transmitted to the Assembly.

Senator Donnelly Presiding

At 10.45 a.m., Senator Hugh P. Donnelly of the Twenty-second District, presiding.

Senate Bill No. 738—An act to amend Section 204a of the Code of Civil Procedure, relating to jury commissioners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, O'Gara, Powers, Salsman, Sutton, Tenney, Watson, and Williams—24.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 826—An act to amend Section 951 of the Streets and Highways Code, relating to side paths.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, Watson, and Williams—24.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1129—An act to validate the formation, organization, boundaries, acts, proceedings and bonds of fire protection districts in unincorporated areas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, Watson, and Williams—23.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1169--An act to amend Section 28131 of the Government Code, relative to compensation for public services in counties of the thirty-first class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES--Senators Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams--26.

NOES--None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1271--An act to add Section 31553.5 to the Government Code, relating to the membership of elective officers in county retirement associations, and to the rights and privileges of such members.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES--Senators Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams--24.

NOES--None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 240--An act to amend Section 11b of the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES--Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams--25.

NOES--None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 558--An act to add Section 16.5 to the Fish and Game Code, relating to the taking of deer in game refuges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES--Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams--25.

NOES--None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 699--An act to add Section 16.4 to the Fish and Game Code, relating to the taking of female deer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES--Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Cunningham, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft,

Miller, O'Gara, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1171—An act to repeal Chapter 3.3 of Article 1, Division 1, Part 6, comprising Sections 3490 to 3494, inclusive, of the Revenue and Taxation Code, relating to the disposition of tax delinquent property.

Bill read third time.

Motion to Amend

Senator Collier moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Senate March 23, 1949, strike out "ARTICLE 1, DIVISION 1, PART 6", and insert "PART 6, DIVISION 1".

Amendment No. 2

On page 1, line 11, of said bill, strike out "Article 1, Division 1, Part 6", and insert "Part 6, Division 1".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 1509—An act to add Section 2620 to the Revenue and Taxation Code, relating to payments to taxing agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 28—Relating to the construction of flood control works for the Lower Klamath and Tule Lake Federal Waterfowl Refuges.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Sutton asked for, and was granted, unanimous consent to have Senate Bill No. 823 passed on file and retain its place on file until the next legislative day.

MOTION TO TAKE BILL FROM INACTIVE FILE

Senator Hugh M. Burns moved that Assembly Bill No. 309 be taken from the inactive file for the purpose of amendment and be placed on the second reading file.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 309—An act to amend Sections 790 and 828.15 and to add Section 803.5 to the Agricultural Code, relating to nectarines, prescribing standards of quality and regulating the packing thereof, declaring the emergency of this act, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Hugh M. Burns moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill as amended, strike out "Section 790", and insert "Sections 790 and 828.15".

Amendment No. 2

On page 1 of said bill, strike out lines 17 and 18, and insert "split pits which are open at the stem end; and from mold, brown rot, and decay which has affected the edible portion; and free from serious damage due to skin breaks or cuts,".

Amendment No. 3

On page 2 of said bill, strike out lines 2, 3, and 4, and insert "time of picking (a) an aggregate area of at least one-half inch in diameter of the surface of the individual fruit has broken from green or dark green to a distinct flecking of light green or a light green indicating equivalent maturity, or (b) the".

Amendment No. 4

On page 2 of said bill, between lines 42 and 43, insert

"SEC. 3. Section 828.15 of the Agricultural Code is amended to read:			
828.15.	4	Standard 12-basket crate.....	2½ 13½ 18
	5	Standard crate	4 16 16½
	6	Standard crate	4½ 16 16½
	7	Standard crate	4½ 16 16½
	8	Standard crate	4½ 16 16½
	9	Standard crate.....5, 5½ or	5½ 16 16½
	9A	Standard crate	5½ 16 16½
	9B	Special crate	4½ 14½ 14½"

Amendment No. 5

On page 2, line 43, of said bill, strike out "SEC. 2.", and insert "SEC. 4."

Amendments read, and adopted.

Bill ordered printed, and to second reading.

President Pro Tempore of the Senate Presiding

At 11.09 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 696—An act to amend Section 412 of the Code of Civil Procedure, relating to commencement of actions.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2425—An act to amend Section 3641 of the Corporations Code, relating to the identification of provisions of the articles of incorporation.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2426—An act to amend Section 4300f of the Political Code, relating to jurors' fees.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Assembly Bill No. 921—An act to amend Section 809 of the Agricultural Code, relating to walnut standards.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, Powers, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1640—An act to amend the title of Article 1 of Chapter 4 of Division 3, and Section 380.51 of the Agricultural Code, relating to swine.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 158—An act to amend Section 29142 of the Government Code, relating to county and district budgets.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2370—An act to add Section 5½ to the County Water Authority Act, relating to powers of county water authorities.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Kraft, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1408—An act to repeal Section 692 of the Fish and Game Code, relating to District 22.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Miller, Powers, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1411—An act to add Section 976 to the Fish and Game Code, relating to mudsuckers.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Miller, Powers, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1413—An act to repeal Section 995.3 of the Fish and Game Code, relating to taking sheephead and eel.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 29—Relative to the work of Dr. Ralph Johnson Bunche in bringing about a peaceful settlement of the Arabian-Israeli dispute.

Resolution read, and presented by Senator Breed.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Judah, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: The Committee on Education, to which were referred :

Senate Bill No. 294

Senate Bill No. 694

Senate Bill No. 296

Senate Bill No. 320

Has had the same under consideration, and reports the same back with amendments with the recommendation : Amend, and do pass as amended.

Committee membership 9 ; committee vote : Ayes 6 ; absent 3.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: The Committee on Education, to which were referred :

Senate Bill No. 344

Assembly Bill No. 1073

Senate Bill No. 1326

Assembly Bill No. 376

Has had the same under consideration, and reports the same back with amendments with the recommendation : Amend, and re-refer to the committee.

Committee membership 9 ; committee vote : Ayes 6 ; absent 3.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: The Committee on Education, to which was referred :

Assembly Bill No. 707

Has had the same under consideration, and reports the same back with amendments with the recommendation : Amend, do pass as amended, and be re-referred to the Committee on Finance.

Committee membership 9 ; committee vote : Ayes 6 ; absent 3.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: The Committee on Education, to which were referred :

Senate Bill No. 991

Senate Bill No. 295

Senate Bill No. 993

Assembly Bill No. 2298

Senate Bill No. 994

Assembly Bill No. 193

Senate Bill No. 995

Has had the same under consideration, and reports the same back with the recommendation : Do pass.

Committee membership 9 ; committee vote : Ayes 6 ; absent 3.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 11.40 a.m., on motion of Senator Salsman, the President declared the Senate adjourned until 2 p.m., Monday, April 11, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FORTY-SEVENTH LEGISLATIVE DAY

NINETY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, April 11, 1949

The Senate met at 2 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jaspersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:
Senator Dorsey, on motion of Senator Powers, due to illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edward L. Turkington of San Francisco.

On request of Senator Watson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mildred Watson of Orange, daughter of Senator Watson, and Mr. and Mrs. Dunlap of Santa Ana.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gordon Murchie of North Hollywood.

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George Wagner, Mrs. Marvin McCormick, Mrs. Robert J. LaRue, Jack LaRue, Mrs. William Wentworth, Mrs. James Wyman, Mrs. Ray Griffith, and former Senator Frank L. Gordon of Napa.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George O. Bahr of San Francisco.

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Helen Frances Maynard and Thomas E. Anderson of El Centro.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George W. Chiossi of Santa Cruz.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Jameson of Corona.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Arthur Breed, Bonnie and George, family of Senator Breed, of Oakland.

On request of Senator Regan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joe Aleck and Clair Hill of Redding, Mary Pat Marshall and Ann Farley of Weaver-ville.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lyman N. King, Jr., son of former Senator King of Redlands; James L. King, Attorney, and James King, Jr., of San Bernardino.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mary E. Frich, Blanch Simmons, Walter Martin, Lyman LaTourrette, Judge Ben Rosenthal, James M. Carter, U. S. District Attorney, all of Los Angeles, and Sammy Zerlin of New York.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lillian Johnson, Mrs. Florence Petty, and Dr. A. Gioletti of San Diego.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Margaret Hill of Santa Barbara.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John Nichols, teacher, and the following Eighth Grade students of the Danville Elementary School of Danville: Joyce Barrett, Joyce Battaglini, Kenneth Birdsell, Richard Carlson, Lila May Coons, Muriel De Mousett, Tom Edwards, Ann Evans, Macy Gamboa, Louise Gibson, Tom Grady, Ann Graham, Richard Gruesbeck, Richard Handley, Betty Lynn Harless, Patricia Kelly, Joan Kerley, Robert Kerley, Mette Knudsen, Laura Macedo, Loren Ongman, Phillip Parmetee, Nancy Rasmussen, Marilyn Root, Terry Taylor, Keith Thompson, Gene Tromp, Donald Wood, and Patsy Nichols.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Nichols, Mr.

and Mrs. Arthur Carlson, Mrs. Louis Tromp, Mrs. Harold Root, and George Wood of Danville.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. W. E. Langstaff of Pasadena.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ted M. Mayr of Ventura.

On request of Senator Hugh M. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. L. Mitchell, Richard Smith, Lois Riggins, and Phyllis Andrain of Fresno.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Myrtle L. Noble, Barbara June Noble, and Lorretta Barnes of San Jose.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dorothy G. Say of San Bernardino.

On request of Senator Michael J. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ruth Carroll, Director, Arcata High School A Cappella Choir of Arcata, and the following members: Gerry Alden, Jean Alden, Charles Aldrich, Robert Allen, Eleanor Bertoneini, Patricia Bray, Harold Brown, Dolores Carvalho, Robert Ennes, Mary Alice Foster, Dale Gipson, Dolores Griffith, Dwain Haines, Dean Hall, Duane Hall, Peter Haynes, Richard Hutton, Marilyn Jenkins, Lee Ann Jennings, Robert Jones, Monica Kiewatt, James Laidlaw, Linda MacMillan, Margie McMahan, James McKittrick, Carlene May, Don Melendy, Fred Montgomery, Virginia Nelson, Glenna Nordquist, Rena Orlandi, Jeanne Palmer, Marlene Patenaude, Margherita Pialorsi, Darlene Peterson, Marilyn Raglin, Pat Robinson, Gale Smith, Dorothy Sorem, Francis Stebbins, Delbert Taylor, Janice Telonicher, Raymond Toste, Nolan Vaissade, Betty Walter, Glenna Welch, Sally Babcock, Eugene Blackburn, Milton Makoski, and Ernest Henry.

On request of Senators Williams and Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Harlan Hogen of Hanford.

LETTER OF TRANSMITTAL

INTER-DEPARTMENTAL COMMUNICATION

STATE OF CALIFORNIA, SACRAMENTO 14, April 8, 1949

Subject: Report on Riverside County Assessor's Office

To: *Hon. Joseph A. Beek*

Secretary of the Senate

State Capitol, Sacramento, California

From: *State Board of Equalization*

Dwight L. Pierce, Secretary

Pursuant to Section 3693 of the Political Code, we are happy to transmit to you for filing with the Senate, a copy of the survey on Property Tax Assessment in Riverside County just completed by this board in conformity with that section.

Because of their special interest in the subject matter, other copies of the enclosure have been sent to each member of the Senate Committee on Revenue and Taxation and the Senate Interim Committee on State and Local Taxation. We have also furnished a copy to Senator Dilworth because of his representation of Riverside County, and to Senator Busch because of his authorship of the bill which became Section 3693 of the Political Code.

DIXWELL L. PIERCE

Letter of Transmittal ordered printed in the Journal and report ordered filed with the Secretary of the Senate.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

ASSEMBLY, CALIFORNIA LEGISLATURE

STATE CAPITOL, SACRAMENTO, CALIFORNIA, April 9, 1949

*Mr. Joseph A. Beek, Secretary of Senate
State Capitol, Sacramento 14, California*

DEAR MR. BEEK: I have been instructed to request you to inform the Senators who have bills pending in the Assembly, to communicate with the Members of the Assembly who are handling their bills so that they may be taken up without delay.

Enclosed you will please find a copy of page 1849 taken from the Assembly Journal of April 8th, showing my authority for writing you this note.

Sincerely yours,

ARTHUR A. OHNIMUS

EXCERPT FROM ASSEMBLY JOURNAL OF APRIL 8, 1949, PAGE 1849 CHIEF CLERK INSTRUCTED TO CONTACT SECRETARY OF THE SENATE

Speaker pro Tempore Maloney instructed the Chief Clerk to contact the Secretary of the Senate and ask him to recommend to the Senators that they speak to the Assemblymen whom they have chosen to present their bills, and request them to take them up so the Senate third reading file may be cleared today, if possible.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 7
Senate Joint Resolution No. 21
Senate Joint Resolution No. 24

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 40
Senate Concurrent Resolution No. 41

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 24
Senate Bill No. 43
Senate Bill No. 44
Senate Bill No. 71
Senate Bill No. 79
Senate Bill No. 148
Senate Bill No. 195
Senate Bill No. 223
Senate Bill No. 257
Senate Bill No. 269
Senate Bill No. 273
Senate Bill No. 299

Senate Bill No. 471
Senate Bill No. 537
Senate Bill No. 601
Senate Bill No. 750
Senate Bill No. 753
Senate Bill No. 765
Senate Bill No. 766
Senate Bill No. 767
Senate Bill No. 768
Senate Bill No. 1512
Senate Bill No. 1572

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 65

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 65—Approving a certain amendment to the charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the seventeenth day of March, 1949.

Resolution read.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 65, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 65

Assembly Concurrent Resolution No. 65—Approving a certain amendment to the charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the seventeenth day of March, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 433
Assembly Bill No. 620
Assembly Bill No. 681
Assembly Bill No. 699
Assembly Bill No. 1168
Assembly Bill No. 1205
Assembly Bill No. 1358
Assembly Bill No. 1859

Assembly Bill No. 1971
Assembly Bill No. 2018
Assembly Bill No. 2030
Assembly Bill No. 2355
Assembly Bill No. 2744
Assembly Bill No. 3099
Assembly Bill No. 1171

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 433—An act to add Section 625b to the Penal Code, relating to wilful or malicious injury to aircraft and providing a penalty therefor.

Referred to Committee on Judiciary.

Assembly Bill No. 620—An act to add Section 531.1 to the Vehicle Code, relating to overtaking and passing on a grade.

Referred to Committee on Transportation.

Assembly Bill No. 681—An act to add Section 6562 to the Business and Professions Code, relating to the practice of barbering.

Referred to Committee on Business and Professions.

Assembly Bill No. 699—An act to amend Section 1243 of the Civil Code, relating to homesteads, and methods of abandonment thereof.

Referred to Committee on Judiciary.

Assembly Bill No. 1168—An act to amend Section 1 of an act entitled "An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of Coronado, in furtherance of navigation, commerce and fisheries, and providing for the government, management and control thereof," approved April 27, 1923, relating to tidelands in San Diego Bay.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1171—An act to amend Section 806 of the Agricultural Code, relating to plum standards.

Referred to Committee on Agriculture.

Assembly Bill No. 1205—An act to amend Sections 502.1, 511.5, and 516.1 of the Military and Veterans Code, relating to the California Cadet Corps.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1358—An act to amend Section 1772 of the Welfare and Institutions Code, relating to the discharge of parolees

Referred to Committee on Judiciary.

Assembly Bill No. 1859—An act to amend Sections 621, 625, 627, 633, 640, and 646 of the Vehicle Code, respecting the mounting height, use of certain lamps and testing fees for lamps and devices.

Referred to Committee on Transportation.

Assembly Bill No. 1971—An act authorizing and directing the State Water Resources Board to make a study and investigation and to submit recommendations for the control of storm and flood waters in Dorchester Creek in Los Angeles County.

Referred to Committee on Water Resources.

Assembly Bill No. 2018—An act to add Article 5, comprising Sections 16400 to 16405, inclusive, to Chapter 2, Part 2, Division 4, Title 2 of the Government Code, and to repeal Section 13923 of the Government Code, relating to revolving funds and advances.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2030—An act to add Section 13926 to the Government Code, relating to powers of the State Board of Control.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2355—An act to add Section 17007 to the Government Code, relating to the designation of funds by code number, letter, or combination thereof, on all warrants issued by the Controller, and on all reports furnished by the Controller and Treasurer to each other.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2744—An act to amend Section 6627 of the Business and Professions Code, relating to barbers.

Referred to Committee on Business and Professions.

Assembly Bill No. 3099—An act to amend Section 13226 of the Education Code, and to add Section 14002.1 to said code, relating to the health of public school employees.

Referred to Committee on Education.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 111

Assembly Bill No. 1255

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 34

Senate Bill No. 390

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

Above bills ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 26

Senate Bill No. 947

Senate Bill No. 28

Senate Bill No. 956

Senate Bill No. 267

Senate Constitutional Amendment No. 7

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 8, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 281

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 147

Senate Bill No. 952

Senate Bill No. 186

Senate Bill No. 957

Senate Bill No. 730

Senate Bill No. 958

Senate Bill No. 946

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 317

Senate Bill No. 1080

Senate Bill No. 1171

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: The Committee on Water Resources, to which were referred:

Senate Bill No. 135

Senate Bill No. 648

Senate Bill No. 633

Senate Bill No. 649

Senate Bill No. 634

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

DONNELLY, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:

Senate Bill No. 8

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

DONNELLY, Chairman

Above reported bill ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 717

Senator Hatfield moved that Senate Bill No. 717 be withdrawn from Committee on Public Health and Safety for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 717—An act to amend Section 2205 of the Health and Safety Code, relating to the organization and powers of mosquito abatement districts.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 2205", and insert "Sections 2205 and 2206".

PRINTER'S NOTE:—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, after line 6, insert

"SEC. 2. Section 2206 of the Health and Safety Code is amended to read:

2206. No district formed or proposed to be formed under this chapter shall be subjected to any of the provisions of the District [of] Investigation Act of [1943] 1933. This section shall remain in effect until the ninety-first day after final adjournment of the [Fifty-ninth] 1951 Regular Session of the Legislature and thereafter shall be of no force or effect."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

MOTION TO RE-REFER SENATE BILL NO. 186

Senator Dillinger moved that Senate Bill No. 186 be re-referred to Committee on Finance.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Dilworth moved that Senate Constitutional Amendment No. 5 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO APPROVE THE JOURNALS

Senator Powers moved that the Journals for Monday, April 4, 1949; Tuesday, April 5, 1949; Wednesday, April 6, 1949; Thursday, April 7, 1949; and Friday, April 8, 1949, be approved as corrected by the Minute Clerk and the Journal Clerk.

Motion carried.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Hulse:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 4010, 4011, 4031, and 4035 of the Health and Safety Code, relating to water and water supply systems.

Respectfully submitted,

SENATOR BEN HULSE

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 11, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Public Health and Safety.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobash, Gibson, Hatfield, Hulse, Jepsen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams. 34.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1620: By Senator Hulse—An act to amend Section 4010, 4011, 4031, and 4035 of the Health and Safety Code, relating to water and water supply systems.

Referred to Committee on Public Health and Safety.

RESOLUTIONS

The following resolution was offered:

By Senator Hulse:

Senate Resolution No. 83

Relating to appropriations by Congress for waterfowl feeding and management grounds

WHEREAS, Under the provisions of the Lea act the Congress of the United States has authorized appropriations to match funds contributed by the State of California for the development of waterfowl feeding and management grounds to relieve deprivations to farm corps; and

WHEREAS, The Wildlife Conservation Board on March 19, 1949, made available to the California Fish and Game Commission a total of \$2,380,000 for the purpose of developing five key units in the system of projects being jointly planned and developed by the U. S. Fish and Wildlife Service and the California Fish and Game Commission to accomplish the foregoing objectives; and

WHEREAS, This cooperative program is of such vast importance to the production of food as well as to the management of the waterfowl resources of the continent that it deserves to be pushed to completion as rapidly as possible; now, therefore, be it

Resolved by the Senate, That the Senate of the State of California respectfully memorializes the President and the Congress of the United States to appropriate the full \$250,000 recommended by the Budget for the fiscal year ending June 30, 1950, and that thereafter a minimum of at least \$250,000 be provided annually in the appropriations to the Department of the Interior until the current conditions have been corrected; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from the State of California in the Congress of the United States.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—22.

NOES—None.

Chief Assistant Secretary Cleve V. Taylor at the Desk

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill No. 270—An act to amend Section 4905 of the Business and Professions Code, relating to fees charged by the Board of Examiners in Veterinary Medicine, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1 of the printed bill, in line 11, strike out "fifteen dollars (\$15)" and insert "twelve dollars and fifty cents (\$12.50)".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 410—An act to amend Section 737l of the Political Code, relating to the salary of superior judges in and for the County of Humboldt.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 446—An act to amend Section 737j of the Political Code, relating to salaries of superior court judges in Fresno County.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1488—An act to amend Section 737pp of the Political Code, relating to the compensation of superior court judges in and for the County of Santa Barbara.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 557—An act to amend Section 737h of the Political Code, relating to salaries of judges of the superior court.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 1

In line 5 of the printed bill, after the word [fifty], insert "nine thousand", "(\$9,000)".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 294.—An act to add Sections 1503.4 and 6357.1 to the Education Code, relating to the education of pupils in kindergartens.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "and", and insert "of the district of attendance and the".

Amendment No. 2

On page 1, line 19, of said bill, strike out "for any school year on each one", and strike out lines 20 to 23, inclusive, and insert "for any school year in which tuition is required to be paid another district under such agreement, increased by such amount as will produce the sum required to pay such tuition, but the maximum rate of school district tax as increased shall not exceed the maximum rate of school district tax which would be fixed by Section 6357 for such district if it maintained a kindergarten."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 296.—An act to add Section 1503.5 to the Education Code, relating to payments for the education of pupils residing in one district and attending in another.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "Section 1503", and insert "any provision of this code".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 694.—An act to add Sections 20355, 20356, and 20357 to the Education Code, relating to student housing facilities at state colleges, making an appropriation, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 2, line 19, of the printed bill, as amended, strike out "Rents", and insert "Refunds of rents".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 320—An act to repeal Sections 6309 and 6360 of the Education Code, and to amend Sections 6301, 6302, 6303, 6304, 6305, 6306, and 6361 of said code, relating to school district budgets.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 14, of the printed bill, as amended, strike out "fixed charges,".

Amendment No. 2

On page 1, line 14, of said bill, strike out "revised", and insert "additional".

Amendment No. 3

On page 1, line 22, of said bill, after "such", insert "additional".

Amendment No. 4

On page 1, line 14, of said bill, strike out "or", and insert "and".

Amendment No. 5

On page 1, line 22, of said bill, strike out "or", and insert "and".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 344—An act to amend Section 8783 of the Education Code, relating to the Public School System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 8783 of", and insert "add Section 12107 to".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 6, inclusive, and insert

"SECTION 1. Section 12107 is added to the Education Code, to read:

12107. The State Board of Education is authorized to secure information, records, reports, and other data relative to the identification or fitness of any applicant for a life diploma or a credential or for the renewal of a credential from any agency or department of the State and for that purpose, any provision of law to the contrary notwithstanding, the board of managers of the State Bureau of Criminal Identification and Investigation shall furnish, upon application of the State Board of Education, all information pertaining to any applicant of whom there is a record in its office."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 1326—An act to repeal Sections 12041.1 and 12401.1 of the Education Code; to add Sections 12011, 12012, 12105, 12106, 12107, 12401.1, and 12401.2 to said code; and to amend the heading of Article 7 of Chapter 1 of Division 7 of said code, all relating to the authorization of persons to serve in the public schools.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "12107".

Amendment No. 2

On page 2 of said bill, strike out lines 7 and 8, and insert

"(a) Lacks the qualifications which are prescribed by law or regulations adopted by the State Board of Education pursuant thereto."

Amendment No. 3

On page 2 of said bill, strike out lines 16 to 23, inclusive, and insert

"(e) Has committed any act involving moral turpitude.

(f) Has had a certification document revoked or suspended."

Amendment No. 4

On page 2, line 24, of said bill, strike out "(i)", and insert "(g)".

Amendment No. 5

On page 2, line 24, of said bill, after "intentionally", insert "practiced or".

Amendment No. 6

On page 2, line 26, of said bill, strike out "(j)", and insert "(h)".

Amendment No. 7

On page 2 of said bill, strike out lines 29 to 39, inclusive.

Amendment No. 8

On page 2, line 40, of said bill, strike out "8", and insert "7".

Amendment No. 9

On page 2, line 46, of said bill, strike out "9", and insert "8".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 991—An act to add Section 13203.1 to Article 1 of Chapter 9 of Division 7 of the Education Code, relating to payment of allowance for use of privately owned vehicles.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 993—An act to add Article 8 to Chapter 5 of Division 9 of the Education Code, relating to lease of real or personal property by school district to county superintendent of schools.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 994—An act to add Section 19144 to the Education Code, relating to performances of services by county superintendents of schools.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 995—An act to amend Sections 19302 and 19303 of the Education Code, relating to school cafeterias.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 295—An act to amend Sections 18051 and 18057 of the Education Code, relating to the letting of contracts by school districts.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2428—An act to add Section 500017.5 to the Government Code, repealing an act entitled "An act in relation to clerks in the office of the Secretary of State and to provide for their pay," approved April 14, 1853.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1073—An act to add Section 1304.1 to the Education Code, relating to superintendents of schools of unified school districts, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In the title of the printed bill as amended in Assembly March 14, 1949, strike out lines 1 and 2, and insert

"An act to add Sections 4941.1 and 4941.2 to, and to amend Section 4951 of the Education Code, relating to government of unified school districts and the election of superintendents of schools for such districts, declar—"

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 7, inclusive, and insert

"SECTION 1. Section 4941.1 is added to the Education Code, to read:

4941.1. Notwithstanding the provisions of this article, any unified school district coterminous with the boundaries of a county shall be governed by an elective board of trustees. The board shall consist of one member from each supervisorial district in the county.

SEC. 2. Section 4941.2 is added to said code, to read:

4941.2. When a unified school district coterminous with the boundaries of a county is formed, the county superintendent of schools shall appoint a board of school trustees of five members for it, one from each supervisorial district. The three members appointed from the odd-numbered districts shall hold office until the election of their successors.

At the first election for members of the board, which shall be held at the next general election, there shall be three trustees elected by the electors of the county at large, one of whom shall be a resident of each odd-numbered supervisorial district, whose terms shall begin at noon on the first Monday after the first day of January following the election, and they shall hold office for four years, or until their successors are qualified. Two years after the first election the remaining trustees shall be elected by the electors of the county at large, one trustee from each of the even-numbered supervisorial districts, each trustee being a resident of the district he represents. Their terms of office shall begin at noon on the first Monday after the first day of January following their election, and they shall hold office for four years, or until their successors are qualified. Four years from the date of each of these elections, and in a similar manner subsequently, there shall be elected in a like manner a sufficient number of trustees to replace those trustees whose terms expire the following January.

Except as otherwise provided in this section, all of these elections shall be called, held, and conducted as are elections for members of boards of trustees of elementary school districts.

SEC. 3. Section 4951 of said code is amended to read:

4951. The members of the governing board of each unified school district shall elect a superintendent of schools, for a term of four years, who shall be executive officer and secretary of said governing board. *Where a unified school district is coterminous with the boundaries of a county, the county superintendent of schools shall be the superintendent of schools of the district.*

Amendment No. 3

On page 1, line 8, of said bill, strike out "2", and insert "4".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Assembly Bill No. 376—An act to amend Section 18191 of the Education Code, relating to the construction of school buildings.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 9, of the printed bill, as amended in Assembly March 15, 1949, after "which", insert "has an average daily attendance of 60,000 or over and which employs, or which".

Amendment No. 2

On page 1, line 10, of said bill, after "employs", insert a comma.

Amendment No. 3

On page 1, line 21, of said bill, before "city", insert "district or the".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Assembly Bill No. 707—An act to amend Sections 19601.5 and 19607 of, and to add Sections 19604.1 and 19619 to the Education Code, relating to child care centers and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 2 of the printed bill as amended in Assembly March 11, 1949, strike out all of lines 18 to 21, inclusive, and insert:

"Sec. 2. Section 19609.5 is added to said code, to read:

19609.5. No standard, rule or regulation shall require medical examination or immunization for admission to a child care center of a child whose parent or guardian files a letter with the governing board of the school district stating that such medical examination or immunization is contrary to his or her religious beliefs, or provide for the exclusion of a child from the center because of parent or guardian having filed such a letter; provided, however, that whenever there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child may be temporarily excluded from the center until the governing board of the school district is satisfied that any contagious or infectious disease does not exist."

Amendment No. 2

On page 2 of said bill, strike out all of lines 40 to 47, inclusive, and in line 48, strike out "Sec. 5.", and insert "Sec. 4".

Amendment No. 3

In the title of said bill, as amended in the Assembly March 11, 1949, in the third line thereof, strike out the numerals "19604.1 and 19619", and insert "19609.5".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Assembly Bill No. 2298—An act to add Section 5943 to the Education Code, relating to temporary transfers from county schools service fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 193—An act to amend Sections 20452, 20481, and 20482 of the Education Code, relating to the granting of master degrees by state colleges.

Bill read second time, and ordered to third reading.

Assembly Bill No. 309—An act to amend Sections 790 and 828.15 and to add Section 803.5 to the Agricultural Code, relating to nectarines, prescribing standards of quality and regulating the packing thereof, declaring the emergency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 80—An act to amend Section 810 of the Agricultural Code, relating to artichoke standards.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Weybret moved a call of the Senate.

Motion carried. Time 2.58 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 603—An act to add Section 6962 to the Education Code, relating to the education of adults.

Bill read third time.

Motion to Amend

Senator Johnson moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended, after "attendance", insert "but no such adult shall be credited with more than one day of attendance in any calendar day".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 823—An act to amend Section 31 of the State Water Resources Act of 1945, relating to the construction of a multiple purpose dam in the vicinity of Table Mountain.

Bill read third time.

Motion to Amend

Senator Sutton moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, after "mountain", insert "and levee and related improvements in the Butte Basin Area".

Amendment No. 2

On page 1, line 21, of said bill, after "purposes", insert "; and levees and related improvements for the reclamation of the Butte Basin Area".

Amendments read, and adopted.

Bill ordered printed, and re-engrossed.

MOTION TO SET SPECIAL ORDER

Senator Sutton moved that Senate Bill No. 823 be made a special order of business for Thursday, April 14, 1949, at 2.30 p.m.

Motion carried.

Senate Bill No. 1492—An act to amend Sections 2, 27, 28, and 30 of the Water Conservation Act of 1927, relating to the power and authority of water conservation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Sutton, Tenney, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 150—An act to add Section 332.1 to the Vehicle Code, relating to impounding of vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Watson, Weybret, and Williams—26.

NOES—Senators Crittenden, Hulse, Judah, Kraft, Rich, Sutton, Swing, Tenney, and Ward—9.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.15 p.m., on motion of Senator Weybret, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 80 passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Crittenden, Cunningham, Dilworth, Gibson, Hatfield, Hulse, Keating, Kraft, Mayo, Powers, Regan, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—22.

NOES—Senators Breed, Busch, Collier, Coombs, Dillinger, Donnelly, Drobish, Jespersen, Johnson, Judah, McBride, Miller, O'Gara, Parkman, Rich, and Ward—16.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 280

Senator Tenney moved that Senate Bill No. 280 be withdrawn from Committee on Governmental Efficiency for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 280—An act to add Article 5 to Chapter 2, Division 4, Title 1 of the Government Code, relating to public employees' loyalty oaths.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, as amended in the Senate March 28, 1949, after "oaths", insert "and checks".

Amendment No. 2

On page 1, line 4, of said bill, after the word "Oaths", insert "and Checks".

Amendment No. 3

On page 1, lines 15 and 16, of said bill, strike out "affiliated, secretly or openly, with the Communist Party or with", and insert "a member, secretly or openly, of".

Amendment No. 4

On page 1, line 16, of said bill, after the word "organization", insert "pledged to support a foreign government against the United States in the event of hostilities or".

Amendment No. 5

On page 1, line 17, of said bill, strike out "Communism".

Amendment No. 6

On page 1, of said bill, between lines 19 and 20, insert the following

"The affidavit shall be in substantially the following form:

"(a) I, -----, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office or employment on which I am about to enter or am now engaged. So help me God.

(b) I, -----, do solemnly swear (or affirm) that I am not now a member of any political party or organization pledged to support a foreign government against the United States in event of hostilities, and that I do not advocate, nor am I now a member of any political party or organization that advocates the overthrow of the Government of the United States, or of the State of California, by force or violence or any other unlawful means, except those specified as follows:

and that during such time as I am an officer or employee of the State of California or any of its political subdivisions, I will not become a member of any political party

or organization pledged to support a foreign government against the United States in event of hostilities, and I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States, or of the State of California, by force or violence or any other unlawful means.

(c) I do further swear (or affirm) that I have never used or been known by any names other than those listed as follows:

(d) Organizations designated as subversive and un-American by the Attorney General of the United States, Congressional and state legislative committees investigating un-American activities may be listed in such affidavits for evidentiary purposes and the State Personnel Board or personnel agency of, or if none, the governing body of any political subdivision of this State, may require an applicant for employment or an employee to designate by a check mark the organizations of which he has been, or is, a member."

Amendment No. 7

On page 2, line 22, of said bill, after "12100", insert "of the Education Code".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 515

Senator Tenney moved that Senate Bill No. 515 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 515—An act to add Section 1106 to the Labor Code, relating to the hiring and discharging of Communists or subversive employees.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Senate March 21, 1949, strike out "Communists or subversive".

Amendment No. 2

On page 2 of said bill, strike out lines 6 to 10, inclusive, and insert "who is a member, secretly or openly, of any organization pledged to support a foreign government against the United States in event of hostilities or which advocates or has as its objective or one of its objectives the overthrow of the Government of the United States or of this State by force and violence or any other unlawful means."

Amendment No. 3

On page 2, line 13, of said bill, strike out "a Communist or a subversive element in this State", and strike out lines 14 to 22, inclusive, and insert "a member, secretly or openly, of any organization pledged to support a foreign government against the United States in event of hostilities or which advocates or has as its objective or one of its objectives the overthrow of the United States or of this State by force and violence or any other unlawful means, such employer may require such applicant for employment or such employee, to execute affidavits in form substantially as follows:

(a) I, _____, do solemnly swear (or affirm) that I am not now a member of any political party or organization pledged to support a foreign government against the United States in event of hostilities, and that I do not advocate, nor am I now a member of any political party or organization that advocates the overthrow of the Government of the United States, or of the State of California, by force or violence or any other unlawful means, except those specified as follows:

and that during such time as I am an employee of _____, I will not become a member of any political party or organization pledged to support a foreign government

against the United States in event of hostilities and I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States, or of the State of California, by force or violence or any other unlawful means.

(b) I do further swear (or affirm) that I have never used or been known by any names other than those listed as follows:

(c) Organizations designated as subversive and un-American by the Attorney General of the United States, Congressional and state legislative committees investigating un-American activities may be listed in such affidavits for evidentiary purposes and the employer may require the applicant for employment or the employee to designate by a check mark the organizations of which he has been, or is, a member."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 132

Senator Tenney moved that Senate Bill No. 132 be withdrawn from Committee on Elections for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 132—An act to amend Sections 2601 and 2619 of the Elections Code, relating to declarations of candidacy.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, after "support", insert "and defend".

Amendment No. 2

On page 2 of said bill, strike out lines 1 to 4, inclusive, and insert "California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I am not now a member, secretly or openly, of any organization pledged to support a foreign government against the United States in the event of hostilities; and that I do not advocate nor am I now a member of any political party or organization that advocates the overthrow of the Government of the United States, or of the State of California, by force or violence or any other unlawful means."

Amendment No. 3

On page 3, line 6, of said bill, after "support", insert "and defend".

Amendment No. 4

On page 3 of said bill, strike out lines 8 to 11, inclusive, and insert "of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I am not now a member, secretly or openly, of any organization pledged to support a foreign government against the United States in event of hostilities; and that I do not advocate, nor am I now a member of any political party or organization that advocates the overthrow of the Government of the United States, or of the State of California, by force or violence or any other unlawful means."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Elections.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 551

Senator Brown moved that Senate Bill No. 551 be withdrawn from Committee on Education for purpose of amendment, and re-refer to Committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 551—An act to amend Section 452 of the Education Code, relating to the salaries of the county superintendents of schools of counties of the fifty-second class.

Bill read second time.

Motion to Amend

Senator Brown moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 452", and insert "Sections 446, 450, 452, 453, and 457".

Amendment No. 2

In line 3 of the title of said bill, strike out "fifty-second class", and insert "forty-sixth, fiftieth, fifty-second, fifty-third, and fifty-seventh classes respectively".

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, strike out lines 1 to 7, inclusive, and insert

"SECTION 1. Section 446 of the Education Code is amended to read:

446. The annual salary of the county superintendent of schools of a county of the forty-sixth class is [four thousand eight hundred dollars (\$4,800)] *five thousand one hundred dollars (\$5,100), and if acting as superintendent of a continuous county unified school district the salary shall be five thousand four hundred dollars (\$5,400),* and he shall possess a valid elementary administrative credential issued by the State Board of Education.

SEC. 2. Section 450 of said code is amended to read:

450. The annual salary of the county superintendent of schools of a county of the fiftieth class is [four thousand eight hundred dollars (\$4,800)] *five thousand one hundred dollars (\$5,100), and if acting as superintendent of a continuous county unified school district the salary shall be five thousand four hundred dollars (\$5,400),* and he shall possess a valid elementary administrative credential issued by the State Board of Education.

SEC. 3. Section 452 of said code is amended to read:

452. The annual salary of the county superintendent of schools of a county of the fifty-second class is [four thousand eight hundred dollars (\$4,800)] *five thousand one hundred dollars (\$5,100), and if acting as superintendent of a continuous county unified school district the salary shall be five thousand four hundred dollars (\$5,400),* and he shall possess a valid elementary administrative credential issued by the State Board of Education.

SEC. 4. Section 453 of said code is amended to read:

453. The annual salary of the county superintendent of schools of a county of the fifty-third class is [four thousand eight hundred dollars (\$4,800)] *five thousand one hundred dollars (\$5,100), and if acting as superintendent of a continuous county unified school district the salary shall be five thousand four hundred dollars (\$5,400),* and he shall possess a valid elementary administrative credential issued by the State Board of Education.

SEC. 5. Section 457 of said code is amended to read:

457. The annual salary of the county superintendent of schools of a county of the fifty-seventh class is three thousand [dollars (\$3,000)] *five hundred dollars (\$3,500),* and he shall possess a valid elementary or secondary teaching credential issued by the State Board of Education."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1171—An act to repeal Chapter 3.3 of Article 1, Division 1, Part 6, comprising Sections 3490 to 3494, inclusive, of the Revenue and Taxation Code, relating to the disposition of tax-delinquent property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 897—An act to amend Section 526 of the Agricultural Code, relating to milk products plant and packaging therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 152—An act to repeal Section 1881.3 of the Civil Code, relating to the period during which the chapter of said code relating to private bulk storage of grain shall remain in effect.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, and Williams—32.

NOES—Senator Sutton—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 363—An act to add Section 460.6 to the Agricultural Code, relating to milk and milk products.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1080—An act to add Article 5B to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans

in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of said committee and of the Veterans' Welfare Board and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1950.

Bill read third time.

MOTION TO RE-REFER SENATE BILL NO. 1080

Senator Coombs moved that Senate Bill No. 1080 be re-referred to Committee on Finance.

Motion carried.

President Pro Tempore of the Senate Presiding

At 3.39 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Senate Concurrent Resolution No. 42—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization, and the Members of the Senate and Assembly.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 147—An act to amend Section 470 of the Agricultural Code, relating to market milk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 267—An act to amend Section 7314 of the Labor Code, relating to fees for elevator inspection.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 26—An act to amend Section 6341 of the Business and Professions Code, relating to the establishment of branch law libraries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Weybret, and Williams—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 28—An act to amend Section 6363 of the Business and Professions Code, relating to the effect of Division 3, Chapter 5 of the Business and Professions Code on law libraries formed under prior laws.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1720—An act to amend Section 17 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management, and supervision," approved March 31, 1927, relating to powers of credit unions and applications for loans.

Bill read third time, and presented by Senator Jespersen.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1721—An act to amend Section 18 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management, and supervision," approved March 31, 1927, relating to powers of credit unions and applications for loans.

Bill read third time, and presented by Senator Jespersen.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1722—An act to amend Section 10 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management, and supervision," approved March 31, 1927, relating to powers of credit unions.

Bill read third time, and presented by Senator Jespersen.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2541—An act to amend Section 5 of "An act to provide for the formation of districts within municipalities for the acquisition, construction or extension of waterworks, water systems or water distribution systems; for the issuance, sale and payment of bonds of such districts to meet the cost of such waterworks, water systems or water distribution systems; and for the acquisition, construction or extension of such waterworks, water systems or water distribution systems," approved April 26, 1935, to remove the limitation on the amount of the principal of indebtedness.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—Senators Dilworth and Donnelly—2.

Bill ordered transmitted to the Assembly.

Senator Hugh M. Burns Presiding

At 4:01 p.m., Senator Hugh M. Burns of the Thirtieth District, presiding.

Assembly Bill No. 3114—An act to amend Section 5 of, and to add Section 24.5 to, the Construction and Employment Act, relating to the construction of sewage projects pursuant to said act, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Hulse.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating,

Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Swing, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—None.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judith, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Swing, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 430

Senator Collier moved that Senate Bill No. 430 be withdrawn from Committee on Public Utilities for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 430—An act to amend Section 51(a) of the Public Utilities Act.

Bill read second time.

Motion to Amend

Senator Collier moved the adoption of the following amendment :

Amendment No. 1

On page 1 of the printed bill, strike out line 1 of the title, and insert

"An act to amend Sections 2½ and 50½ of the Public Utilities Act, relative to pickup and delivery limits of highway common carriers and relative to driveway service of highway common carriers."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 31, inclusive, and insert

"SECTION 1. Section 2½ of the Public Utilities Act is amended to read :

Sec. 2½. (a) The term "highway common carrier" when used in this act means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, (1) owning, controlling, operating or managing any auto truck, or other self-propelled vehicle not operated upon rails, used in the business of transportation of property as a common carrier for compensation or (2) *performing driveway service as a common carrier for compensation* over any public highway in this State between fixed termini or over a regular route, and not operating exclusively within the limits of an incorporated city or town, or city and county, except that passenger stage corporations, as defined in Section 2½ of this act, transporting baggage and express upon passenger vehicles incidental to the transportation of passengers shall not be highway common carriers as herein defined, and except that any such corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever shall not be a highway common carrier as herein defined in operating within lawfully established pickup and delivery limits of a common carrier in the performance for such carrier of transfer, pickup or delivery services provided for in the lawfully published tariffs of such carrier insofar as such pickup and delivery limits [do not include territory in excess] *include unincorporated territory only not in excess* of three miles from the corporate limits of any incorporated city or town or three miles from the post office of any unincorporated point.

(b) The words "between fixed termini or over a regular route" when used in this act mean the termini or route between or over which any highway common carrier usually or ordinarily operates any auto truck or other self-propelled vehicle, *or performs driveway service*, even though there may be departures from said termini or route, whether such departures be periodic or irregular. Whether or not any auto

truck or other self-propelled vehicle is operated or any driveway service is performed by a highway common carrier "between fixed termini or over a regular route" within the meaning of this act shall be a question of fact and the findings of the commission thereon shall be subject to review.

(c) The term "common carrier" when used in this act, in addition to the definition herein otherwise given, shall include every highway common carrier, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating within this State.

(d) The term "driveway service" when used in this act means the transportation of one or more vehicles with motive power furnished by one or more of the vehicles transported.

Sec. 2. Section 50½ of said act is amended to read:

Sec. 50½. (a) No highway common carrier shall hereafter operate or cause to be operated any auto truck, or other self-propelled vehicle not operated on rails, for the transportation of property as a common carrier for compensation or hereafter perform driveway service as a common carrier for compensation on any public highway in this State except in accordance with the provisions of this act.

(b) The Railroad Commission of the State of California is hereby vested with power and authority to supervise and regulate every highway common carrier in this State; to fix the rates, fares, charges, classifications, rules and regulations of each such highway common carrier; to regulate the accounts, service and safety of operations of each such highway common carrier; to require the filing of annual and other reports and of other data by such highway common carriers; and to supervise and regulate highway common carriers in all other matters affecting the relationship between such carriers and the shipping public. The Railroad Commission shall have power and authority, by general order or otherwise, to prescribe rules and regulations applicable to any and all highway common carriers. The Railroad Commission, in the exercise of the jurisdiction conferred upon it by the Constitution of this State and by this act, shall have power and authority to make orders and to prescribe rules and regulations affecting highway common carriers, notwithstanding the provisions of any ordinance or permit of any incorporated city or town, city and county, or county, and in case of conflict between any such order, rule or regulations and any such ordinance or permit, the order, rule or regulation of the Railroad Commission shall in each instance prevail.

(c) No highway common carrier shall hereafter begin to operate any auto truck, or other self-propelled vehicle, for the transportation of property for compensation or begin to perform driveway service for compensation on any public highway in this State without first having obtained from the Railroad Commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required of any highway common carrier as to the fixed termini between which or the route over which it was actually operating as a highway common carrier on July 26, 1917, and in good faith continuously thereafter, or of any highway common carrier as to the fixed termini between which or the route over which it was actually operating as a highway common carrier in driveway service on May 1, 1949, and in good faith continuously thereafter, or for operations exclusively within the limits of an incorporated city, town or city and county, or for the performance of pickup, delivery, or transfer services by such carrier within such carrier's lawfully published pickup and delivery zones insofar as such pickup and delivery limits [do not include territory in excess] include unincorporated territory only not in excess of three miles from the corporate limits of any incorporated city or town or three miles from the post office of any unincorporated point. Any right, privilege, franchise, or permit held, owned or obtained by any highway common carrier may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the Railroad Commission. The Railroad Commission shall have power, with or without hearing, to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity require. Without the express approval of the commission, no certificate of public convenience and necessity issued to one highway common carrier under the provisions of this section, or heretofore issued by the commission to one highway common carrier for the transportation of property by auto truck or self-propelled vehicle, nor any operative right of one highway common carrier founded upon operations actually conducted in good faith on July 26, 1917, or driveway service operations actually conducted in good faith on May 1, 1949, shall be combined, united or consolidated with another such certificate or operative right issued to or possessed by another highway common carrier so as to permit through service between any point or points served, by one highway common carrier, on the one hand, and any point or points served, by another highway common carrier, on the other hand; nor, without the express approval of the commission, shall any through route or joint, through, combination, or proportional rate be established by one highway common carrier between any point or points which it serves, on the one hand, and any point or points served by another highway common carrier, on the other hand.

Any one highway common carrier may establish through routes and joint rates, charges, and classifications between any and all points served by such highway common

carrier under any and all certificates or operative rights issued to or possessed by such highway common carrier.

The Railroad Commission may at any time for a good cause suspend, and upon notice to the holder of an operating right acquired by virtue of operations conducted on July 26, 1917, as aforesaid, or on May 1, 1949, as aforesaid, or to the grantee of any certificate, and opportunity to be heard, revoke, alter or amend any such operative right or certificate.

(d) When a complaint has been filed with the commission alleging that any vehicle is being operated or any *driveaway service* is being performed without a certificate of public convenience and necessity as required by this act, or when the commission has reason to believe that this act is being violated, it shall be the duty of the commission to investigate such operations and the commission shall have power after a hearing to make its order requiring the owner or operator of such vehicle or the *driveaway service operator* to cease and desist from any operation *s* in violation of this act; and it shall be the duty of the commission to enforce compliance with such order under the powers vested in the commission by this act or by law."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Utilities.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 36

Senator Rich moved that Senate Bill No. 36 be withdrawn from Committee on Business and Professions for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 36—An act to add Section 2137.1 to the Business and Professions Code, relating to the practice of medicine within state institutions, prisons, or homes.

Bill read second time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended, after "certificate", insert "issued by the board".

Amendment No. 2

On page 1, line 7, of said bill, after "California", insert a comma and the following "provided that before such person is certified the State Personnel Board shall obtain from the board a certificate that the person to be certified from the eligible list is eligible to take the examination for physician's and surgeon's certificate under the provisions of law".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 63—An act to amend Section 19.6 of the Fish and Game Code, relating to the Fish and Game Commission and extending the period during which its general regulatory powers shall continue in existence.

Bill read third time, and presented by Senator Williams.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Williams moved a call of the Senate.

Motion carried. Time, 4.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill No. 1078—An act providing for the compilation, publication, and distribution of a State Blue Book.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2780 An act to amend Section 9320 of the Government Code, relating to the compensation of officers and employees of the Senate and Assembly and making an appropriation for the payment of such compensation.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Salsman, Tenney, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2840—An act to amend Section 1 of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, as amended, and to amend Section 34112 of, and to add Section 34112.4 to, the Government Code, creating new classes of cities to be known as cities of the four and seven-eighths class and cities of the four and five-eighths class, and to provide for their organization, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen,

Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.
NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.44 p.m., on motion of Senator Williams, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 63 passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Busch, Crittenden, Cunningham, Dillinger, Dilworth, Gibson, Hatfield, Jespersen, Keating, Kraft, McBride, O'Gara, Parkman, Swing, Ward, Watson, Weybret, and Williams—21.

NOES—Senators Abshire, Michael J. Burns, Collier, Coombs, Desmond, Donnelly, Drobish, Hulse, Johnson, Judah, Mayo, Miller, Powers, Regan, Salsman, Sutton, and Tenney—17.

MOTIONS TO RECONSIDER

Senator Desmond moved to reconsider the vote whereby Assembly Bill No. 63 was passed.

Postponement of Reconsideration

On motion of Senator Desmond, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 63 was passed, was continued until the next legislative day.

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1766—An act to amend Section 4 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management, and supervision," approved March 31, 1927, relating to powers of credit unions and applications for loans.

Bill read third time, and presented by Senator Jespersen.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO AMEND THE RULES

Senator Powers moved, pursuant to the notice of a motion given on April 7, 1949, that Rule 12, Subdivision 5, of the Standing Rules of the Senate, be amended as follows:

Amendment No. 1

Rule No. 12, subdivision No. 5 be amended to read:

5. Finance, 11 members. All appropriation bills including the Budget Bill and claim bills but excepting appropriations from the funds of the Senate made by resolution. "Any bill which would require the expenditure of additional state monies in any manner and any bill which would require the expenditure of additional state money in any manner, including any bill which creates an additional state agency or office,

or adds any functions, duties, or responsibilities to an existing agency or office, shall be referred to the Finance Committee before being placed on third reading”.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, O’Gara, Parkman, Powers, Regan, Salsman, and Williams—28.

NOES—Senator Dilworth—1.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 317 An act declaring all buildings or places, other than private dwellings, used or resorted to for purposes of public gambling to be nuisances, and providing for the abatement and prevention of such nuisances by injunction and otherwise.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 4, of the printed bill, as amended in Senate April 8th, 1949, strike out “, or”; strike out line 5, and in line 6 strike out “county, in his own name, may,”.

Amendment No. 2

On page 2 of said bill, strike out lines 28 and 29, and insert “SEC. 4. Whenever the existence of”.

Amendment No. 3

On page 2, line 39, of said bill, strike out “if the”, and strike out lines 40 to 50, inclusive.

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 93
Assembly Bill No. 94
Assembly Bill No. 95
Assembly Bill No. 155
Assembly Bill No. 231
Assembly Bill No. 412
Assembly Bill No. 1712
Assembly Bill No. 1723
Assembly Bill No. 1863
Assembly Bill No. 1865
Assembly Bill No. 1995
Assembly Bill No. 2041

Assembly Bill No. 2042
Assembly Bill No. 2044
Assembly Bill No. 2046
Assembly Bill No. 2048
Assembly Bill No. 2049
Assembly Bill No. 2050
Assembly Bill No. 2051
Assembly Bill No. 2053
Assembly Bill No. 2055
Assembly Bill No. 2061
Assembly Bill No. 2066
Assembly Bill No. 2508

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 33

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **PAUL CRUM**, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 93—An act to amend Section 2930 of the Streets and Highways Code, relating to the withdrawal of protests.

Referred to Committee on Transportation.

Assembly Bill No. 94—An act to amend Sections 5221 and 5222 of the Streets and Highways Code, relating to the withdrawal of protests and the time within which proceedings may be reinstituted after majority protest.

Referred to Committee on Transportation.

Assembly Bill No. 95—An act to amend Section 5026 of the Streets and Highways Code, relating to the adoption and change of street names.

Referred to Committee on Transportation.

Assembly Bill No. 155—An act to amend Section 4650 of the Labor Code, dealing with workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 231—An act to amend Section 4455 of the Labor Code, dealing with workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 412—An act to amend Section 5804 of the Labor Code, relating to workmen's compensation awards.

Referred to Committee on Labor.

Assembly Bill No. 1712—An act to amend Sections 11004 and 11005 of the Revenue and Taxation Code, relating to the disposition of motor vehicle license fees ("in-lieu" tax).

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1723—An act to add Section 16302.1 to the Government Code, relating to the disposition of amounts not exceeding one dollar paid to state agencies and determined to constitute overpayments of taxes, penalties, interest, license or other fees, or other revenues due the State of California.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1863—An act to amend Sections 750 and 752 of the Vehicle Code, permitting members of the California Highway Patrol to make certain arrests of Division 9 while not in full uniform.

Referred to Committee on Judiciary.

Assembly Bill No. 1865—An act to amend Sections 675.5, 676, and 697 of the Vehicle Code, regarding safety glass, windshield wipers and height of loads on vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1995—An act to amend Section 444 of, to add Section 513 to, and to repeal Section 530 of, the Streets and Highways Code, relating to state highway routes.

Referred to Committee on Transportation.

Assembly Bill No. 2041—An act to amend Section 18932 of the Government Code, relating to age requirements for civil service examinations.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2042—An act to amend Section 18938 of the Government Code, relating to state civil service examinations.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2044—An act to amend Section 19300 of the Government Code, relating to establishment of performance standards for state employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2046—An act to add Section 19143 to the Government Code, relating to counting of prior state service for layoff, sick leave and vacation purposes.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2048—An act to amend Section 19055 of the Government Code, relating to certification of state employment lists.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2049—An act to amend Section 19058 of the Government Code, relating to temporary appointments in state service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2050—An act to amend Section 18021 of the Government Code, relating to overtime work in state civil service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2051—An act to amend Section 18024 of the Government Code, relating to attendance and overtime work in state civil service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2053—An act to amend Sections 18101 and 18103 of the Government Code, relating to sick leave.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2055—An act to add Section 18714 to the Government Code, relating to adjustment of state employee grievances.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2061—An act to amend Section 19361 of the Government Code, relating to intradepartment transfer of civil service employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2066—An act to amend Section 18902 of the Government Code, relating to civil service eligible lists.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2508—An act to amend Section 7 of the Alcoholic Beverage Control Act, relating to licenses.

Referred to Committee on Governmental Efficiency.

Assembly Joint Resolution No. 33—Relative to memorializing Congress to enact legislation to give postal employees civil service credit for time spent in military service.

Referred to Committee on Military and Veterans Affairs.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 474

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Bill No. 61

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported bill ordered to second reading.

MOTION TO PRINT OPINION OF THE LEGISLATIVE COUNSEL IN THE JOURNAL

Senator Powers moved that the following opinion of the Legislative Counsel regarding, "The Times Within Which a Legislative Bill, After Passage by the Senate and Assembly, May be Presented to the Governor," printed in the Journal.

Motion carried.

OPINION OF THE LEGISLATIVE COUNSEL

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, April 11, 1949

Hon. Joseph A. Beek

Secretary of the Senate

State Capitol, Sacramento, California

DEAR MR. BEEK: I have prepared and transmit herewith my opinion in response to the question propounded by you on behalf of the Senate whether or not a legislative bill after passage by the Senate and the Assembly may be presented to the Governor after final adjournment of the session.

Yours very sincerely,

FRED B. WOOD
Legislative Counsel

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SAN FRANCISCO 3, CALIFORNIA, April 11, 1949

The Time Within Which a Legislative Bill,
After Passage by the Senate and Assembly,
May Be Presented to the Governor—No. 4654.

The question propounded is whether not a legislative bill, after passage by the Senate and Assembly, may be presented to the Governor after final adjournment.

The controlling provisions of the State Constitution appear in Section 16 of Article IV:

“Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor.

If he approves it, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter such objections upon the Journal and proceed to reconsider it. * * *

If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it,

unless the Legislature, by adjournment, prevents such return,

in which case it shall not become a law, unless the Governor, within thirty days after such adjournment (Sundays excepted), shall sign and deposit the same in the Office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment.”

“Adjournment” as here used means final adjournment of the session, not an adjournment for a recess during a session (*Harpending v. Haight* (1870), 39 Cal. 189).

The words quoted seem to require that each bill be presented to the Governor while the Legislature is in session. He may sign it, veto it, or let it become a law without his signature. He has but ten days (Sundays excepted) after presentation, within which to sign it or return it, unless final adjournment cuts that period short, in which case he has thirty days (Sundays excepted) after adjournment (not after presentation of the bill to him) within which to sign it or let it die.

There does not seem to be any room here for presentation after adjournment. The only adjournment that brings the thirty-day period into play is one that “prevents” the “return” of a bill to the house of origin within the prescribed ten-day period. How can adjournment prevent the return of something the Governor has not yet received?

If we attempt to read into these words an implied power upon the part of the Legislature to present a bill to the Governor after final adjournment, we are at once confronted with the questions (1) how long after adjournment may a bill be presented to him, and (2) within what period of time must he act upon a bill presented to him after adjournment?

We find nothing in Section 16 of Article IV expressly to guide us. If we infer that the bill must be presented and the Governor must act upon the bill within thirty days after adjournment, Sundays excepted, then the result is that he will have less time (possibly but a single day

or part of a day) for consideration of a bill presented after adjournment than with respect to a bill presented prior to adjournment and at any time less than ten days prior to adjournment. We have an alternative of inferring a bill may be presented to him within thirty days (Sundays excepted) after adjournment and that he will have ten days after such presentation within which to act upon the bill. We have the further alternative that there is no time limit within which a bill may be presented to the Governor, save perhaps, the dates fixed by the Constitution for the commencement of the next regular session. We find ourselves in the realm of pure speculation. It is hardly reasonable to infer that the framers of the Constitution, when they so meticulously prescribed the time element in respect to presentation of a bill while the Legislature is in session, intended to authorize presentation after the session without prescribing any time limit in respect thereto. The only reasonable inference seems to be that they intended to authorize presentation of a bill to the Governor only during the session, that is prior to final adjournment.

This is the interpretation entertained for many years by the legislative officers and by the Governor as lawmaker, probably ever since the decision in *Fowler v. Peirce* (1852), 2 Cal. 165. Our search, fairly extensive though not exhaustive, does not indicate a single enrolled bill on file in the Office of the Secretary of State which bears evidence of presentation to the Governor after final adjournment. This interpretation of the provisions of Section 16 of Article IV of the Constitution, by the officials charged with the observance and administration of those provisions, is indeed persuasive and would be accorded great weight by the courts.

The history of these provisions lends support to this view. They are derived from Section 17 of Article IV of our Constitution of 1849, substantially the same as Section 17, down to the words "in which case it shall not become a law, unless * * *." Section 17 having ended with the words "unless the Legislature, by adjournment, prevents such return." In 1852 our Supreme Court held that the Governor had no authority to sign a bill after final adjournment. Said the court:

"In fact, there is really no limit to the time within which the executive must approve an act, conceding that it may be done after the adjournment of the Legislature; so that it might be approved one day or one month afterwards. The executive is, by the Constitution, a component part of the law-making power. In approving a law, he is not supposed to act in the capacity of the executive magistrate of the State, whose duty it is to see that the laws are properly executed, but as a part of the legislative branch of the government. This power is a *unit*, though distributed; and the parts can only act in unison. Whenever a part ceases to act, the whole becomes inoperative. The executive act owes its vitality to the existence of the legislative body. Upon the adjournment of that body, the power ceases, and all acts of a legislative nature are void." (*Fowler v. Peirce* (1852), 2 Cal. 165, 172.)

It would seem implicit from that holding that presentation could not occur after final adjournment.

The only significant change which occurred when the text of Section 17 was carried over into Section 16 of Article IV of the Constitution of 1879 was simply the addition of the following words:

"in which case it shall not become a law, unless the Governor, within ten days after such adjournment (Sundays excepted), shall sign and deposit the same in the Office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment."

The reasonable intendment of that addition was to permit the Governor to act upon a bill after adjournment, that is, a bill which had been presented to him prior to adjournment and less than ten days prior to adjournment.

The only significant subsequent change in Section 16 was the extension of the post-session bill signing period from ten to thirty days, effected by an amendment made in 1908. That would not seem to change the requirement as to the time for presentation of a bill to the Governor.

We have not found anything in the judicial decisions of other jurisdictions that seems persuasive of a different view.

In the Florida case of *Amos v. Gunn* (1922), 94 So. 615, three of the justices held that a bill must be presented to the Governor prior to adjournment; two, that the Governor might receive a bill after adjournment, by waiving a part of the time allowed him, under a constitutional provision which required the Governor to return a bill within five days unless prevented by adjournment, in which case it would become law unless within ten days after adjournment he filed the bill, with his objections, in the Office of the Secretary of State.

Maryland by taking a different view has arrived at an odd result. The Constitution of that state declares that if a bill is not returned by the Governor within six days (Sundays excepted) after presentation to him, it shall be a law in like manner as if he signed it unless the Legislature by adjournment prevented its return in "which case it shall not be a law."

In 1890 it was held, as to a bill the Governor did sign and file with the Secretary of State, that presentation could be made after final adjournment, the Governor having implied power to sign and file within six days after such presentation (*Lankford v. County Commissioners*, 20 Atl. 1017). In a dissenting opinion attention was directed to the fact that this Maryland constitutional provision was in 1867 taken verbatim from the Federal Constitution, that the federal practice since 1790 had been that a bill must be presented and signed before adjournment, and that such practice had obtained in Maryland until 1880 (22 Atl. 412). The majority ruling was followed in *Johnson v. Luers* (Md. 1916), 99 Atl. 710.

In 1942 the Maryland court held it permissible for the legislative officers to present and the Governor to sign a bill fifty-six days after final adjournment (*Robey v. Broersma*, 26 Atl. 2d 820). Upon rehearing (29 Atl. 2d 827) the court observed that it had been generally supposed at the state constitutional convention and until 1880 that the Constitution required both presentation and signing before adjournment, but that

after fifty years under a different interpretation the validity of thousands of laws would be disturbed by a change of decision, concluding:

"There is, therefore, no constitutional or statutory limit to the time, after passage, within which a bill must be presented to the Governor. It is a practical question, depending for its answer in each case on the circumstances of that particular case." (p. 830)

Illinois seems to have arrived at about the same result as Maryland under a constitutional provision substantially the same as that of Maryland. Presentation eleven days after adjournment was upheld in *People v. Rose* (1897), 47 N. E. 547; followed in *People v. Hughes* (1939), 25 N. E. 2d 75, holding effective the veto of two bills, one of which was presented twenty days and the other twenty-six days after adjournment, each having been vetoed within ten days of presentation to the Governor.

The Arkansas Constitution provides that a bill not returned by the Governor within five days of presentation shall be a law unless the Legislature by adjournment prevents its return, in which case it shall become a law unless he shall file it with his objections in the Office of the Secretary of State within twenty days after adjournment. In 1887 the court of that state held that a bill might be presented to the Governor either before or after adjournment (*Dow v. Beidleman*, 5 S. W. 297); followed in *Monroe v. Green* (1903), 76 S. W. 199, holding that presentation later than twenty days after adjournment was ineffective. In the latter case the Chief Justice made the following significant observation:

"In my opinion (if it were a new question), no bill that has not been presented to the Governor for his examination before the final adjournment of the General Assembly can ever become a law, under the Constitution of this state." (p. 204)

"But I am reminded that since the rendition of that decision in 1887 every legislature has taken this court at its word * * * and so has every Governor, down to this good day, and adopted a custom or contracted a habit of passing bills and leaving them to be presented * * * to the Governor, for his action after the adjournment * * * ; that, if the validity of this custom is now to be broken in upon * * * many bills passed within the last sixteen years would be called in question * * * the greatest injustice would prevail." (p. 206)

In 1925 the Arkansas court upheld the validity of a statute which provided for a committee of the Legislature charged with the duty of enrolling bills and presenting them to the Governor after final adjournment (*Russell v. Conc*, 272 S. W. 678).

Vermont under a constitutional provision requiring the Governor to sign or return a bill within five days unless adjournment within three days after presentation prevents its return, "in which case it shall not become a law," held valid certain bills that were presented one day after final adjournment, one signed the same day and the other, four days later (*Hartness v. Black* (1921), 114 Atl. 44). The court relied in part upon the Maryland case of *Lankford v. County Commissioners*, 20 Atl. 1017.

The Constitution of the United States contains a clause in respect to the presentation and signing of bills which is substantially the same

as was Section 17 of Article IV of the California Constitution of 1849. The Supreme Court of the United States holds (contrary to the holding of our court in *Fowler v. Peirce*, 2 Cal. 165) that the President may effectively approve and sign a bill after final adjournment of Congress if he does so within the prescribed ten days after its presentation to him (*Edwards v. United States* (1932), 286 U. S. 482). It appeared in that case that there had been no long, continued practical construction of the Constitution which could be accepted as controlling. The state of the precedents appeared to be such that the question was an open one, to be resolved by a consideration of the constitutional provision nor was there any suggestion, expressed or implied, that it would be competent for the Congress to present a bill to the President after final adjournment.

The conclusion would seem inescapable, both upon reason and upon precedent, that the provisions of Section 16 of Article IV of our Constitution require that a bill which has passed both houses be presented to the Governor prior to final adjournment. If at a particular session, as the adjournment date draws near, it appears impossible or impracticable to present all of the bills prior to that date, it would seem quite competent for the Senate and Assembly to consider and adopt a new adjournment resolution fixing a suitable later date for final adjournment.

FRED B. WOOD
Legislative Counsel

ADJOURNMENT

At 5 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Tuesday, April 12, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FORTY-EIGHTH LEGISLATIVE DAY

ONE HUNDREDTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, April 12, 1949

The Senate met at 1.30 p.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

Quorum present.

PRAYER

By invitation of the President, prayer was offered by Dr. Clarence A. Kircher, Minister, Westminster Presbyterian Church of Sacramento.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Mayo, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Charles J. Voland, Jr., of Oakland, daughter of Senator McBride.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. F. Emmett of Fromberg, Montana, and W. A. White of Sacramento.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack Hanna of San Diego.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James L. Hansen of Napa.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack Bayuon of Nice, Dan Polk of Lakeport, Princess Betty, Chief Treppa and Chief Graves of Lake County.

On request of Senators Dilworth and Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Pat Hillings of Arcadia and William Price of Altadena, officers of Los Angeles County Young Republicans.

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George Ball of Napa and Mrs. Frank Robertson of Veterans Home, sister of Senator Coombs.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. W. Halleen and Lindsay Cochran of Stockton.

On request of Senator Hugh M. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Colleen Burns and Ann Hunt of Fresno.

On request of Senator Watson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thomas D. Reviea of Los Angeles.

On request of Senator Hugh M. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Martin Winkler, and daughters, Penney and Sue of Los Angeles.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Russell E. Parsons of Los Angeles.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Blumen-son of Richmond.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ted Main of Yuba City.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ernest L. Finley and Mrs. Evert Persons of Santa Rosa.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Karle Q. Major of China Lake.

On request of Senators Jespersen, Coombs, and Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Bessie Jespersen of Placerville and Elizabeth Hansen of Napa.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Elenore Vickery and Mrs. Florence Dunbar of Sacramento.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Richard Rumiano of Willows.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Richard F. Savelli, Dr. George Swick, Dr. Roy Hunken, and Dr. Louis Ferrari of San Francisco.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Wilder V. Immel, Associate Pastor, First Methodist Church of Sacramento.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George W. Kalinazes of Los Angeles and W. A. Murchie of North Hollywood.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ruth Dolson, in charge of Citizenship Training at Modesto, and the following students: Mesdames Elizabeth Gower, Elizabeth Bright, Frank Silva, Renee Tomson, Mary Sabala, Clara Giambanco, Jean Laskowsky, Angela Stradella, Angela Casazza, Agnes Semone, Mary Ribeiro, Olive Reichert, Joan Colby, Miss Gernerts, Mesdames Denerjean, Stevenot, and Zazaris; Messrs. D'Acardo, P. Peralta, John Anadis, Raymond Gong, Morris, Nick Karss, Frank Silva, Michos, Lock, Barr, Launde, and Calvin Bippus.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Aileen Gatter of Riverside, sister; Mrs. Joy Drobish Palmerlee of Inglewood, daughter; Mrs. Faith Drobish and Harry Boardman Drobish of Bangor, wife and son of Senator Drobish.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. Wilder V. Immel and the following members of the Methodist Youth Fellowship, First Methodist Church of Sacramento: Herbert Deardorff, Richard Brunner, Richard Biggs, James Haug, Clarice Immel, Betty Jo Immel, Betty Kovach, Harry Bennett, Lora Cate, Virginia Adams, Marilyn Biggs, Willa McKenzie, Carol Anne Collins, Mrs. Wallace Gilky, Gretchen Gilky, Dan Immel, Richard Immel, Charles Sorenson, Mary R. Immel, Phyllis Adams, and Ted Thiery.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Richard Beckett and the following members of Cub Scouts Pack 98, Sequoia School of Oakland: Hugh Merrill Headrick, Dale Dunlop, Louis Rothenstein, Jerry Hammon, Ronald Strom, Gilbert Dygert, Dick Whittier, Teddy Rose, Patrick Nichols, Gordon Parsons, John E. Layton, Larry Smith, Markley Jerman, Michael Layton, David E. Lyden, Don Wadleigh, Billy Houver, Vincent Walton, Glen W. Tierney, Donald Roberts, Albert Peters, Ronnie Gies, Dalton DeFoe, Tommy Hopper, Werner Schopfer, Jr., Kenneth Harlan, and Chris Burford. Den Mothers: Mesdames Harriet Harlan, Gladys Tierney, Virginia Lyden, Marjory Layton, Hildreth Headreck, Marjorie Parsons, Dorothy Peters, Verna Backett, Irene Dygert, and Louis Rothenstein.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. T. G. Misenhimer, Ruth Hobbs, Roberta Carson, Velma Weekly, Marilyn Willems, Paul Cagle, Carlton Massey, all of Exeter Union High School of Exeter, Lee Hart of Porterville, Bud Hussey of Visalia.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lyle Mewhirter, Assistant District Attorney of Amador County, of Jackson.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ella Ryan, teacher, and the following Honor Students of Galileo High School of San Francisco: Paul Hom, Loring Jensen, Norman Folden, Marcella Chow, and Haroldine Wong.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George Hindley, President, Mrs. William Houweling, President-Elect, Second District, Parent Teachers Association of San Francisco, and the following members: Miss Graydon Hindley, Miss Gwendolyn Horros, Mesdames Myer Meller, Ralph Doscher, Dean Parker, Gerald DeGraf, P. H. Vander Sterre, George W. Chambers, E. M. Hood, W. J. Horros, Morris Laderman, Keplar Johnson, W. S. Marquardt, U. M. Squier, Morris H. Singer, Jack Olsen, Lloyd Piercy, Dorothy Comer, Val Franz, Joseph Kovacs, W. W. Robb, M. G. McCloskey, L. E. Newby, and Schroeder.

LETTER OF TRANSMITTAL

CALIFORNIA COMMISSION ON INTERSTATE COOPERATION

SACRAMENTO 14, April 8, 1949

Hon. Joseph A. Beck

Secretary of the Senate

State Capitol, Sacramento, California

DEAR SECRETARY BECK: We transmit herewith, for the records of the Senate, a report of the activities of the California Commission on Interstate Cooperation for the period January 1, 1948, to March 25, 1949.

This is in compliance with the statutory requirement that the commission shall report to the Governor and to the Legislature.

Sincerely,

GOODWIN J. KNIGHT, Chairman

Courtesy of

The Honorable Jesse M. Mayo, Chairman
Senate Committee on Interstate Cooperation

Letter of Transmittal ordered printed in the Journal, and report ordered filed with the Secretary of the Senate.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 31

Assembly Concurrent Resolution No. 68

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read :

Assembly Joint Resolution No. 31—Relative to provision for public recreation, fish and wildlife development in flood, irrigation and power projects involving construction of dams.

Referred to Committee on Fish and Game.

Assembly Concurrent Resolution No. 68—Relative to the death of Kathy Fiscus.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 68, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 68

Assembly Concurrent Resolution No. 68—Relative to the death of Kathy Fiscus.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Desmond, Dilworth, Donnelly, Drabish, Jespersen, Johnson, Judah, Keating, Kraft, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams —26.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT : I am directed to inform your honorable body that the Assembly on this day adopted :

Senate Joint Resolution No. 22

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT : The Committee on Rules has examined :

Senate Bill No. 295	Senate Bill No. 993
Senate Bill No. 410	Senate Bill No. 994
Senate Bill No. 446	Senate Bill No. 995
Senate Bill No. 991	Senate Bill No. 1488

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT : The Committee on Rules has examined :

Senate Bill No. 270	Senate Bill No. 320
Senate Bill No. 294	Senate Bill No. 557
Senate Bill No. 296	Senate Bill No. 694

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 317

Senate Bill No. 603

Senate Bill No. 823

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which were referred:

Senate Bill No. 791

Senate Bill No. 1081

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1526

Senate Bill No. 1528

Senate Bill No. 1534

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 332

Senate Bill No. 632

Senate Bill No. 635

Senate Bill No. 1393

Senate Bill No. 1412

Senate Bill No. 1413

Senate Bill No. 1527

Senate Bill No. 1542

Senate Bill No. 1543

Assembly Bill No. 3107

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1533

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 3; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1662

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

RESOLUTIONS

The following resolution was offered :

By Senators O'Gara, Keating, and Powers :

Senate Resolution No. 84

Relative to adjournment in respect to the anniversary of the death of
Franklin Delano Roosevelt

Four years ago today, a great American died. The sense of shock which stunned the Nation at that time is gone; in its place is profound regret that the man was deprived of his hour of triumph, that he died on the eve of victory; and that the Nation, and the world, were deprived of a statesman whose leadership was an inspiration to all.

Today we affirm the fact that the name of Franklin Delano Roosevelt lives in the hearts of all freedom-loving men; and, therefore, be it most solemnly

Resolved by the Senate of the State of California, That when we this day adjourn, we shall do so in respect to the memory of Franklin Delano Roosevelt, thirty first President of the United States.

Resolution read, and adopted by a rising vote of the following Senators :

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams 39.

Chief Assistant Secretary Cleve V. Taylor at the Desk

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 135—An act to amend Section 22500 of, and to add Section 22505 to, the Water Code, relating to disposition of irrigation district property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 633—An act to repeal Chapter 1083 of the Statutes of 1931, approved June 19, 1931, relating to the impounding and utilization of the waters of the American River.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 634—An act to repeal Chapter 413 of the Statutes of 1935, approved July 9, 1935, relating to the Rector Dam Authority.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 648—An act to repeal Chapter 101 of the Statutes of 1929, approved April 12, 1929, relating to the impounding and utilization of the waters of the American River.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 649—An act to repeal Chapter 569 of the Statutes of 1927, approved May 17, 1927, relating to the impounding and utilization of the waters of the American River.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 8—An act to amend Section 9 of the Monterey County Flood Control and Water Conservation District Act, relating to flood control.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 474—An act to amend Section 12302 of the Government Code, relating to salaries of State Treasurer's assistants.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 1

On page 1 of the printed bill, strike out lines 1 to 14, inclusive, and insert "SECTION 1. Section 12302 of the Government Code is amended to read: 12302. The Treasurer may appoint one Deputy Treasurer at an annual salary of [six thousand eight hundred dollars (\$6,800)] *eight thousand dollars (\$8,000)*, and one cashier at an annual salary of [five thousand dollars (\$5,000)] *six thousand dollars (\$6,000)*. He may also appoint and fix the salaries of one bond officer, one deposit officer, one vault officer, one bookkeeper, and one secretary-stenographer. Each of such appointees is a civil executive officer. He may also appoint and fix the salaries of four clerk watchmen and one watchman porter, and such other clerical help as may be necessary for the proper conduct of his office. He may also appoint and fix the salaries, with the approval of the Board of Control, of such expert assistance as may be necessary."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 61—An act to add Article 5, comprising Section 9126, to Chapter 1, Part 1, Division 2, Title 2 of the Government Code, providing for the establishment of special accounts for certain appropriations for expenses of the Legislature.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 16, of the printed bill, strike out the period, and insert ", except that appropriations made at budget sessions and at extraordinary or special sessions for the expenses of such sessions shall be available for expenditure only for a period of one year after the date upon which the appropriation first became available for expenditure, and the unencumbered balance of any such appropriation shall revert to the fund from which the appropriation was made upon the expiration of one year following the last day of the period of its availability."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California to amend Sections 2, 34, and 34a of Article IV of the Constitution of said State, relating to the Legislature.

Resolution read, and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 34—An act to add Section 13326 to the Government Code, relating to budgets of state agencies.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 34?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "13320.5", and insert "13326".

Amendment No. 2

On page 1, line 1, of said bill, strike out "13320.5", and insert "13326".

Amendment No. 3

On page 1 of said bill, strike out lines 3 to 8, inclusive, and insert

"13326. Every state agency, when making requests or preparing budgets to be submitted to the Federal Government for funds, equipment, materials or services, shall, upon completion of such request or budget, first submit it to the department. The department shall have authority to approve, disapprove, modify, or amend any such request or budget before it is submitted to the proper federal authority."

Amendment No. 4

On page 1, line 11, of the printed bill, as amended in the Assembly on April 4, 1949, after "services," insert "other than for highway purposes,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 34 by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Desmond, Dilworth, Dorsey, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Above bill ordered enrolled.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 390—An act to amend Section 626 of the Agricultural Code, relating to skim milk.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 390?

Amendment No. 1

On page 1, line 11, of the printed bill, as amended in the Senate on March 11, 1949, following "milk", insert "or non fat milk".

Amendment No. 2

On page 1, line 14, of the printed bill, following "milk", insert "or non fat milk".

Amendment No. 3

On page 1, line 15, of the printed bill, following "Skim Milk", insert "or "Non Fat Milk" ".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 390 by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Desmond, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Bill No. 317—An act declaring all buildings or places, other than private dwellings, used or resorted to for purposes of public gambling to be nuisances, and providing for the abatement and prevention of such nuisances by injunction and otherwise.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Ward, Watson, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Desmond Presiding

At 2.05 p.m., Senator Earl D. Desmond of the Nineteenth District, presiding.

Senate Bill No. 603—An act to add Section 6962 to the Education Code, relating to the education of adults, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Coombs, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1253—An act to amend Section 701 of the Agricultural Code, relating to containers for milk or milk products.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 281—An act to amend the Building and Loan Association Act by amending Section 2.02 thereof, relating to restrictions on corporate name, Section 2.04 thereof, relating to approval of articles of incorporation by the Building and Loan Commissioner, Section 2.07 thereof, relating to branches, Section 4.01 thereof, relating to guarantee

stock, Section 8.03 thereof, relating to minors and married women, Section 10.03a thereof, relating to federal insurance reserve account, Section 11.04 thereof, relating to licenses for agents and salesmen, Section 12.04 thereof, relating to foreign associations, Section 12.06 thereof, relating to restrictions on advertising, Section 13.02 thereof, relating to appointees, employees and offices of the Building and Loan Commissioner, Section 13.05 thereof, relating to general duties of such commissioner, Section 13.07 thereof, relating to appraisements, Section 13.17 thereof, relating to assessments by such commissioner for salaries and expenses, and Section 15.16 thereof, relating to supervision and control of borrowers' mutual building and loan associations; repealing Section 5.03 of said act, relating to investment certificate reserve; and adding to said act Section 2.10, relating to investment certificate and withdrawable share reserve, and Section 8.13, relating to authorization to execute certificates, all relating to building and loan associations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Sutton, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Regan asked for, and was granted, unanimous consent to have Senate Joint Resolution No. 26 passed on file and retain its place on file until the next legislative day.

Senate Bill No. 947—An act to add Section 2013 to the Business and Professions Code, relating to the definition of the words "diagnose" and "diagnosis."

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Michael J. Burns, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 2.30 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Senate Bill No. 730—An act to add Section 11021 to the Business and Professions Code, relating to subdivided lands.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Michael J. Burns, Collier, Coombs, Crittenden, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 946—An act to amend Section 2008 of the Business and Professions Code, relating to professional rights, privileges or powers, and charitable institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 952—An act to amend Section 2145 of the Business and Professions Code, relating to physicians and surgeons visiting the State.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 957—An act to amend Section 2326 of the Business and Professions Code, relating to practice of chiropody.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Dilworth, Dorsey, Gibson, Hulse, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Ward, Watson, and Williams—24.

NOES—Senators Dillinger, Donnelly, Drobish, Hatfield, and Parkman—5.

Bill ordered transmitted to the Assembly.

Senate Bill No. 270—An act to amend Section 4905 of the Business and Professions Code, relating to fees charged by the Board of Examiners in Veterinary Medicine, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote :

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Watson, and Williams—29.

NOES—Senators Donnelly and Tenney—2.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Miller, O'Gara, Parkman, Regan, Salsman, Swing, Watson, and Williams—27.

NOES—Senators Donnelly, Powers, Sutton, Tenney, and Ward—5.

Bill ordered transmitted to the Assembly.

Senate Bill No. 410—An act to amend Section 737l of the Political Code, relating to the salary of superior judges in and for the County of Humboldt.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 446—An act to amend Section 737j of the Political Code, relating to salaries of superior court judges in Fresno County.

Motion to Refer Bill to Inactive File

Senator Hugh M. Burns, moved that Senate Bill No. 446 be placed on the inactive file.

Motion carried.

Senate Bill No. 1488—An act to amend Section 737pp of the Political Code, relating to the compensation of superior court judges in and for the County of Santa Barbara.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 557—An act to amend Section 737h of the Political Code, relating to salaries of judges of the superior court.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, Miller, O'Gara, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 294—An act to add Sections 1503.4 and 6357.1 to the Education Code, relating to the education of pupils in kindergartens.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Miller, O'Gara, Powers, Regan, Salsman, Swing, Tenney, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Collier Presiding

At 3.02 p.m., Senator Randolph Collier of the Second District, presiding.

Senate Bill No. 995—An act to amend Sections 19302 and 19303 of the Education Code, relating to school cafeterias.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Watson, Weybret, and Williams—27.

NOES—Senators Desmond, Dilworth, Hatfield, Hulse, Keating, and Sutton—6.

Bill ordered transmitted to the Assembly.

Senate Bill No. 295—An act to amend Sections 18051 and 18057 of the Education Code, relating to the letting of contracts by school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 373—An act to amend Section 7026 and repeal Section 7027 of, and to add Sections 7050, 7051, 7052, and 7053 to, the Business and Professions Code, relating to contractors.

Bill read third time, and presented by Senator Hugh M. Burns.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Miller, O'Gara, Powers, Regan, Swing, Tenney, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2428—An act to add Section 500017.5 to the Government Code, repealing an act entitled "An act in relation to clerks in the office of the Secretary of State and to provide for their pay," approved April 14, 1853.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Sutton, Swing, Tenney, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2298—An act to add Section 5943 to the Education Code, relating to temporary transfers from county schools service fund.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Sutton, Swing, Tenney, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 193—An act to amend Sections 20452, 20481, and 20482 of the Education Code, relating to the granting of master degrees by state colleges.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Miller, O'Gara, Regan, Sutton, Swing, Tenney, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 309—An act to amend Sections 790 and 828.15 and to add Section 803.5 to the Agricultural Code, relating to nectarines, prescribing standards of quality and regulating the packing thereof, declaring the emergency of this act, to take effect immediately.

Bill read third time, and presented by Senator Hugh M. Burns.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, Weybret, and Williams—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTIONS TO RECONSIDER

Assembly Bill No. 63—An act to amend Section 19.6 of the Fish and Game Code, relating to the Fish and Game Commission and extending the period during which its general regulatory powers shall continue in existence.

Motion to Set Special Order of Business

Senator Desmond moved that his motion to reconsider the vote whereby Assembly Bill No. 63 was passed, be made a special order of business for Thursday, April 14, 1949, at 2.45 p.m.

The roll was called, and the motion carried by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Sutton, Swing, Tenney, Watson, Weybret, and Williams—33.

NOES—None.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 991—An act to add Section 13203.1 to Article 1 of Chapter 9 of Division 7 of the Education Code, relating to payment of allowance for use of privately owned vehicles.

Motion to Refer Bill to Inactive File

Senator Kraft moved that Senate Bill No. 991 be placed on the inactive file.

Motion carried.

Senate Bill No. 958—An act to amend Section 2377 of, and to repeal Sections 2378, 2379, 2380, 2380.5, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2391.5, 2392, 2393, 2394, 2395, 2396, 2397, 2398, and 2399 of, the Business and Professions Code, all relating to the grounds for denial, suspension or revocation of certificates to practice medicine and surgery, drugless practitioner certificates, chiropody certificates, or certificates to practice midwifery.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1431

Senator Judah moved that Senate Bill No. 1431 be withdrawn from Committee on Labor for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1431—An act to amend Sections 7621, 7622, 7623, 7624, 7650, 7654, 7681, 7682, 7691, 7692, 7720, and 7721 of the Labor Code; to amend and renumber Sections 7722, 7723, and 7724 of said code;

and to add Sections 7722 and 723 to said code; all relating to regulation of and inspection of tanks and boilers.

Bill read second time.

Motion to Amend

Senator Judah moved the adoption of the following amendments:

Amendment No. 1

In lines 7 and 8 of the title of the printed bill, as amended in Senate April 1, 1949, strike out "and 723", and insert ", 7724 and 7725".

Amendment No. 2

On page 2, line 21, of said bill, strike out "boiler", and insert "qualified".

Amendment No. 3

On page 2, line 22, of said bill, after "or by", strike out "a".

Amendment No. 4

On page 2, line 24, of said bill, strike out "boiler", and insert "qualified".

Amendment No. 5

On page 2, line 38, of said bill, strike out "boiler", and insert "qualified".

Amendment No. 6

On page 2 of said bill, strike out lines 41 and 42, and insert "is constructed. Such qualification is to be determined by a written examination prescribed by the division."

Amendment No. 7

On page 3, line 42, of said bill, after "amended", insert "and renumbered".

Amendment No. 8

On page 3, line 43, of said bill, strike out "7724", and insert "7723".

Amendment No. 8.5

On page 4, line 17, of said bill, after "amended", insert "and renumbered".

Amendment No. 9

On page 4, line 18, of said bill, strike out "7725", and insert "7726".

Amendment No. 10

On page 4, line 20, of said bill, strike out "7723", and insert "7725".

Amendment No. 11

On page 4, line 21, of said bill, strike out "7723", and insert "7725".

Amendment No. 12

On page 4, line 33, of said bill, after "location", strike out ", and", and insert a period.

Amendment No. 13

On page 4 of said bill, strike out lines 34 to 36, inclusive, and insert

"(e) 'Resale inspection' shall mean the inspection of boilers or tanks in the possession of a dealer or vendor at the request of a user who contemplates the purchase thereof.

SEC. 17. Section 7724 is added to said code, to read:

7724. The division may, by general safety order, fix and collect fees for the resale inspection of boilers and tanks. Such fees shall not exceed four dollars (\$4) per hour."

Amendment No. 14

On page 4 of said bill, strike out line 37, and insert

"SEC. 18. Section 7724 of said code is amended and renumbered to read:."

Amendment No. 15

On page 4, line 38, of said bill, strike out "7726", and insert "7727".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 497

Senator Dorsey moved that Senate Bill No. 497 be withdrawn from Committee on Judiciary for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 497—An act to add Sections 749.1 and 751.1 to the Code of Civil Procedure, relating to the determination of conflicting claims to real property.

Bill read second time.

Motion to Amend

Senator Dorsey moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 13, of the printed bill, as amended in Senate March 18, 1949, strike out "five", and insert "ten".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY**ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1949**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 232
Assembly Bill No. 236
Assembly Bill No. 244
Assembly Bill No. 507
Assembly Bill No. 632
Assembly Bill No. 702
Assembly Bill No. 1035
Assembly Bill No. 1036
Assembly Bill No. 1037
Assembly Bill No. 1039
Assembly Bill No. 1040
Assembly Bill No. 1045
Assembly Bill No. 1046
Assembly Bill No. 1123
Assembly Bill No. 1201

Assembly Bill No. 1319
Assembly Bill No. 1470
Assembly Bill No. 1501
Assembly Bill No. 1793
Assembly Bill No. 1794
Assembly Bill No. 1967
Assembly Bill No. 2197
Assembly Bill No. 2348
Assembly Bill No. 2349
Assembly Bill No. 2350
Assembly Bill No. 2351
Assembly Bill No. 2352
Assembly Bill No. 2353
Assembly Bill No. 2674
Assembly Bill No. 1180

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 232—An act to amend Section 799 of the Code of Civil Procedure, relating to partition of property.

Referred to Committee on Judiciary.

Assembly Bill No. 236—An act to amend Sections 1394 and 1308 of the Labor Code, relating to activities of minors.

Referred to Committee on Labor.

Assembly Bill No. 244—An act to amend Sections 459 and 459.4 of the Vehicle Code, relating to the adoption of local ordinances affecting traffic on state highways.

Referred to Committee on Transportation.

Assembly Bill No. 507—An act to amend Section 395.1 of the Military and Veterans Code, relating to reemployment rights of persons who leave or have left employment to join the armed forces.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 632—An act to amend Sections 671 and 672 of the Vehicle Code, relating to the use of horns and warning devices.

Referred to Committee on Transportation.

Assembly Bill No. 702—An act to add Section 6007 to the Business and Professions Code, relating to membership in the State Bar.

Referred to Committee on Judiciary.

Assembly Bill No. 1035—An act to add Title 2, comprising Sections 15001 to 15700, inclusive, and Section 100002 to the Corporations Code, relating to partnerships and matters incidental thereto, consolidating and revising the law relating thereto, and repealing certain acts and parts of acts specified therein.

Referred to Committee on Judiciary.

Assembly Bill No. 1036—An act to add Title 4, comprising Sections 25000 to 26104, and Section 100005 to the Corporations Code, thereby codifying and repealing the Corporate Securities Act, and consolidating and revising the law relating to securities as defined therein, the prevention of fraud in the sale thereof, and the regulation and supervision of companies, brokers, agents, and investment counsel in relation thereto by the Commissioner of Corporations and the Division of Corporations.

Referred to Committee on Judiciary.

Assembly Bill No. 1037—An act to add Division 2, comprising Sections 27000 to 27203, inclusive, to Title 4 of, and Section 100006 to the Corporations Code, thereby codifying, consolidating, and revising the law relating to solicitation and collection of funds from security owners and holders for the protection, enforcement, or representation of their rights, providing for regulation and supervision by the Commissioner of Corporations of the solicitation, collection, and application of such funds, and requiring persons and organizations to obtain certificates from him prior to engaging in such solicitation and collection, and repealing the act codified therein.

Referred to Committee on Judiciary.

Assembly Bill No. 1039—An act to add Division 4, comprising Sections 29000 to 29201, inclusive, to Title 4 of and Section 100008 to the Corporations Code, thereby codifying and revising the law relating to certain transactions in respect to securities and commodities defined therein as bucketing and bucket shopping, prohibiting the keeping of bucket shops, making or offering to make contracts or sales constituting

bucketing, and other acts preliminary or incidental thereto, requiring the keeping of records or books of account and the furnishing of statements of facts by persons making purchases or sales of securities or commodities, and fixing penalties for violations thereof, and repealing the act so codified.

Referred to Committee on Judiciary.

Assembly Bill No. 1040—An act to amend Section 25154 of the Corporations Code, relating to acts permitted to be performed by or in behalf of corporations prior to the issue of any shares.

Referred to Committee on Judiciary.

Assembly Bill No. 1045—An act to amend Sections 25009, 25101, and 26003 of the Corporations Code, relating to securities, the prevention of fraud in the sale thereof, and the regulation and supervision of companies, brokers, agents, and investment counsel in relation thereto by the Commissioner of Corporations and the Division of Corporations.

Referred to Committee on Judiciary.

Assembly Bill No. 1046—An act to amend Section 26104 of the Corporations Code, relating to securities, the prevention of fraud in the sale thereof, and the regulation and supervision of companies, brokers, agents, and investment counsel in relation thereto by the Commissioner of Corporations and the Division of Corporations.

Referred to Committee on Judiciary.

Assembly Bill No. 1123—An act to amend Section 338 of the Code of Civil Procedure, relating to limitation of actions.

Referred to Committee on Judiciary.

Assembly Bill No. 1201—An act to amend Section 987 of the Military and Veterans Code, relating to farm and home purchase.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1319—An act to amend Sections 3.06 and 5.02 of the Building and Loan Association Act, relating to shares and investment certificates as legal investments.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1470—An act to amend Sections 1672 and 1673 of the Insurance Code, relating to the licensing of nonresident brokers or agents.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1501—An act to add Section 2144.5 to the Business and Professions Code, relating to persons and acts exempted from the State Medical Practice Act, Chapter 5 of Division 2 of the Business and Professions Code.

Referred to Committee on Business and Professions.

Assembly Bill No. 1793—An act to amend Sections 822, 823, 827, 839, 857, and 858 of the Insurance Code, relating to the issue of securities by insurers.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1794—An act to amend Section 12400 of the Insurance Code, relating to title insurers.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1967—An act to amend Section 6359 of the Revenue and Taxation Code, relating to food products exempt from sales and use taxes.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2197—An act to amend Section 372 of the Vehicle Code, relating to vehicle registration fees, to take effect immediately.

Referred to Committee on Transportation.

Assembly Bill No. 2348—An act to amend Section 29610 of the Government Code, relating to county charges.

Referred to Committee on Local Government.

Assembly Bill No. 2349—An act to amend Sections 1703.91, 1703.92, 1703.94, 1703.95, and 1703.96 of the Insurance Code, relating to joint firm life agents' licenses.

Referred to Committee on Financial Institutions.

Assembly Bill No. 2350—An act to amend Sections 10953.3 and 10953.4 of the Insurance Code, relating to legal reserve capital stock insurers.

Referred to Committee on Financial Institutions.

Assembly Bill No. 2351—An act to amend Sections 1649, 1679, 1706, 1709, 1808, and 1810.5 of the Insurance Code, relating to the licensing of insurance agents, brokers, solicitors and life agents, and to bail agents, permittees and solicitors.

Referred to Committee on Financial Institutions.

Assembly Bill No. 2352—An act to amend Sections 11521 and 11523 of the Insurance Code, relating to grants and annuity societies.

Referred to Committee on Financial Institutions.

Assembly Bill No. 2353—An act to add Section 1153.5 to, and to amend Section 1154 of the Insurance Code, relating to assets required to be maintained by insurers.

Referred to Committee on Financial Institutions.

Assembly Bill No. 2674—An act to amend Section 1850.4 of the Insurance Code, relating to the definition of "casualty insurance" under Chapter 9, relating to rates and rating and other organizations.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1180—An act to add Section 975 to the Fish and Game Code, relating to carp traps.

Referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT: The Committee on Transportation, to which were referred:

Senate Bill No. 596

Assembly Bill No. 607

Senate Bill No. 1277

Assembly Bill No. 1807

Assembly Bill No. 442

Assembly Bill No. 2424

Assembly Bill No. 601

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 10; absent 3.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Senate Concurrent Resolution No. 25

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 13; committee vote: Ayes 10; absent 3.

COLLIER, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Senate Bill No. 1177

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 10; absent 3.

COLLIER, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Assembly Bill No. 1605

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 419

Senate Bill No. 422

Senate Bill No. 416

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 7; absent 5.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 315

Senate Bill No. 388

Senate Bill No. 1460

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 426

Senate Bill No. 427

Senate Bill No. 314

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 415

Senate Bill No. 424

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; absent 5.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 1459

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 11, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 570

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

WARD, Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT: The Committee on Transportation, to which were referred:

Senate Bill No. 525

Senate Bill No. 527

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 11; absent 2.

COLLIER, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 4.10 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Wednesday, April 13, 1949, out of respect to the memory of Kathy Fiscus and Franklin Delano Roosevelt, former President of the United States.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FORTY-NINTH LEGISLATIVE DAY
ONE HUNDRED FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, April 13, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary A. J. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:
Senator Parkman, on motion of Senator Powers, due to legislative business.

Senator Williams, on motion of Senator Powers, due to legislative business.

Senator Busch, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Kraft and Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Parnassus, Enrique Bolanos, Ceferino Garcia, Juan Zurita, Dan Barnhart, George Tolson, Bert Lewis, Frank Pasquale, and Joe Genshela of Los Angeles.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to G. M. Trimble of Roseville.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ruth Whitsell, Dick Crofoot and Erlend Coffin of Denair and Diane Lackner of Turlock.

On request of Senator Regan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Dale Shepherd of Sacramento and Mrs. Alan Fraser of McMinnville, Oregon.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Manuel P. Shiner, Agricultural Instructor, Mrs. M. P. Shiner, Pete Laxague and the following students of Surprise Valley High School of Cedarville: Bill Laxague, Buddy Laxague, Eddie Briles, Bud Rook, Bob Cockrell, Darrell Vermillion, Cecil Vermillion, Willard Jones, Loren Bucher, Harry Bill Wilson, Howard Allen, Art Daniels, Ervin Hill.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Moses Lasky, Morelle Lasky, Marshall Lasky, Mrs. Robert Clarke and the following members of the San Francisco Council of Camp Fire Girls: Ruth Blackman, Susan Benjamin, Darlene Deutscher, Carol Elvin, Idella Hill, Joan Kenny, Wanda Koshkin, Nancy Langley, Marilyn Parker, Alta Picchi, Barbara Warnock, and Joan Warnock.

On request of Senators Cunningham and Hugh M. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ruby J. Olney, Hazel B. Hanson and Bernice Olney of Fresno and Mrs. Ernest Doyle of Sacramento.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Floyd Klinger and Clement A. Plecarpo of Stockton.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sidney P. Simpson of New York University, New York.

On request of Senator Watson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry Westover of Corona Del Mar.

On request of Senators Jespersen and Regan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Roscoe Anderson, Mayor of Redding.

Chief Assistant Secretary Cleve V. Taylor at the Desk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 8
Senate Bill No. 135
Senate Bill No. 633

Senate Bill No. 634
Senate Bill No. 648
Senate Bill No. 649

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT : The Committee on Rules has examined :

Senate Bill No. 61

Senate Concurrent Resolution No. 25

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT : The Committee on Rules has examined :

Senate Concurrent Resolution No. 40—Relative to "The Miracle of the Trees," pageant at Santa Cruz ;

Senate Concurrent Resolution No. 41—Relative to the observance of Army Day ; And reports that the same have been correctly enrolled, and presented to the Secretary of State on the twelfth day of April, 1949, at 4 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT : The Committee on Rules has examined :

Senate Bill No. 71—An act to amend Section 827 of the Agricultural Code, relating to apple standards, declaring the urgency thereof, to take effect immediately ;

Senate Bill No. 79—An act to amend Section 27640 of the Government Code, relating to the appointment of county counsels in counties ;

Senate Bill No. 471—An act to amend Section 28135 of the Government Code, relating to compensation for public service in counties of the thirty-fifth class ;

Senate Bill No. 537—An act to amend Section 8552 of the Water Code, relating to the Reclamation Board ;

And reports that the same have been correctly enrolled, and presented to the Governor on the twelfth day of April, 1949, at 4 p.m.

POWERS, Chairman

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 12, 1949

MR. PRESIDENT : The Committee on Public Health and Safety, to which was referred :

Senate Bill No. 411

Has had the same under consideration, and reports the same back with amendments with the recommendation : Amend, and do pass as amended.

Committee membership 9 ; committee vote : Ayes 8 ; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT : The Committee on Natural Resources, to which was referred :

Senate Bill No. 1279

Has had the same under consideration, and reports the same back with amendments with the recommendation : Amend, and do pass as amended.

Committee membership 9 ; committee vote : Ayes 9.

MAYO, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT : The Committee on Natural Resources, to which were referred :

Senate Bill No. 249

Assembly Bill No. 1676

Has had the same under consideration, and reports the same back with the recommendation : Do pass.

Committee membership 9 ; committee vote : Ayes 9.

MAYO, Chairman

Above reported bill ordered to second reading.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 791—An act to add Chapter 19 to Division 3, to amend Sections 10074 and 1046 of, and repeal Chapter 5 of Part 1 of Division 4, and Sections 10009, 10020, 10021, 10022, 10084, and 10085 of, the Business and Professions Code, relating to cemeteries, including the regulation of cemetery brokers and salesmen and cemetery corporations.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1081—An act to amend Sections 28478, 28479, and 28480 of the Health and Safety Code, relating to olive oil.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1526—An act authorizing the gift of certain real property in Tuolumne County which is not required for existing state functions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out ".07", and insert ".7".

Amendment No. 2

On page 1, line 4, of said bill, immediately before the period, insert " , reserving, however, unto the State of California an easement for highway purposes over and across the southerly 20 feet of said .7 acre parcel, said conveyance to provide as a condition that the grantee may have the use of said southerly 20 feet until such time as the State of California shall require the same for highway purposes, it being further provided that no building or other structures of a permanent nature shall be located or constructed on the area so reserved for state highway purposes".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1528—An act authorizing the sale of certain real property in the County of Madera not required for existing state functions and providing for the disposition of the proceeds of such sale.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 5, of the printed bill, immediately before the period, insert " , subject to an easement for state highway purposes over the northerly 41 feet thereof".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1534—An act to add Sections 13370.1 and 13370.2 to the Government Code, relating to the control of specifications for bids.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "equipment".

Amendment No. 2

On page 1, line 6, of said bill, strike out the comma following "supplies", and insert "or".

Amendment No. 3

On page 1, between lines 9 and 10, insert

"A specification calling for bids for a designated material, product, thing or service by specific trade name followed by the words "or equal" so that bidders may furnish any equal material, product, thing or service, is not in violation of this section. This section is not applicable to the purchase of mechanical equipment or parts for replacement or repairs thereto.

Bidders may be required to furnish a bond or other indemnification to the State against claims or liability for patent infringement."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 332—An act to add Article 4, comprising Sections 21100 to 21103, inclusive, to Chapter 8 of Part 3 of Division 5 of Title 2 thereof, and to add Section 21251.15, and Section 21261 thereto, all relating to the State Employees' Retirement System.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 632—An act to amend Sections 20126, 20362, 20894.5, 21028, 21251.1, 21253, 21452, and 21453 of the Government Code and to add Section 20337 to Article 2 of Chapter 3 and Section 21371 to Article 5 of Chapter 9 of Part 3 of Division 5 of Title 2 thereof, all relating to the State Employees' Retirement System.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 635—An act to repeal "An act in relation to the act of Congress known as the Carey Act, and all acts amendatory thereof and supplemental thereto, and giving authority to a commission in the investigation, selection, reclamation, control and disposal of all lands granted the State under the provisions thereof," approved June 4, 1915.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1393—An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the County of Monterey, State of California.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1412—An act relative to quiet title to actions against the State of California to lands heretofore abandoned by the State and conveyed by an agency of the State.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1413—An act authorizing suits against the State to quiet title against it to swamp or overflowed lands by certain persons entitled to the benefits of Section 7523 of the Public Resources Code.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1527—An act authorizing the grant, without cost of certain real property, in the City of Porterville, not required for existing state functions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1542—An act to authorize the sale of a part of the property used by the Napa State Hospital and to provide for the disposition of the proceeds from such sale.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1543—An act to authorize the sale of a part of the property used by the Sonoma State Home and to provide for the disposition of the proceeds from such sale.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1533—An act to amend Part 2, Chapter 4, Section 18853 of the Government Code, relating to fixing of salary rates of casual and intermittent workers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 596—An act to amend Section 526 and to repeal Section 252 of the Streets and Highways Code, relating to state highway routes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1277—An act adding Section 12.5 to the State Aeronautics Commission Act, relating to the operation of helicopters and similar aircraft.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1177—An act to amend Section 419, to repeal Sections 420, 420.1, 420.2, 420.3, 420.4, 420.5, 420.6, 420.7, 420.8, and 420.9, and to add Sections 420, 421, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 422.6, 423, and 423.1, of the Vehicle Code, relating to financial responsibility, and declaring the urgency thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 12, of the printed bill as amended, strike out "A person", and strike out all of lines 13 to 21, inclusive, and on page 2 strike out all of lines 1 to 4, inclusive, and insert "In the event the driver at the time of an accident was driving a motor vehicle owned, operated or leased by the employer of such driver and with the permission of the employer, then such driver shall within five days after the accident report the accident to his employer on a form approved by the employer and said employer shall within ten days after receipt of said report transmit a report on a form approved by the department to the office of the department at Sacramento, except that an employer need not transmit such report to the department when the vehicle involved in the accident is owned or operated as described in Section 422.1 or 422.4 or is owned or operated by any person or corporation who has filed with the department a certificate of an insurance carrier or bonding company that there is in effect a policy or bond meeting the requirements of Section 422.6 and when such insurance policy or bond was in full force and effect in respect to such vehicle at the time of the accident."

Amendment No. 2

On page 2, line 21, of the printed bill as amended, strike out the word "either", and insert "any".

Amendment No. 3

On page 2, line 33, of the printed bill as amended, after the word "hereinbelow.", insert "The department shall determine the amount of security deposit upon the basis of the reports or other evidence submitted to it but shall not require a deposit of security for the benefit of any person in the absence of evidence submitted by such person or on his behalf as to the extent of his injury or the damage to his property."

Amendment No. 4

On page 2, line 41, of the printed bill as amended, after the word "vehicles", insert "not covered by insurance, bond or self-insurance certificate,".

Amendment No. 5

On page 4, line 7, of the printed bill as amended, following the word "under", insert "Section".

Amendment No. 6

On page 4, line 14, of the printed bill as amended, following the word "under", insert "Section".

Amendment No. 7

On page 4, line 26, of the printed bill as amended, following the word "under", insert "Section".

Amendment No. 8

On page 5, line 21, of the printed bill as amended, following the word "under", insert "Section".

Amendment No. 9

On page 5, line 47, of the printed bill as amended, following the word "under", insert "Section".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 419—An act to repeal Section 2728 of, and to amend Section 2055 of, the Penal Code, relating to insuring prison made goods and the raw materials from which they are made.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "raw materials from which they are made.", and insert "materials and equipment used in the production thereof."

Amendment No. 2

On page 1 of said bill, strike out lines 4 to 14, inclusive, and insert "2055. The Director of Corrections may, in his discretion, from time to time insure any or all products produced at any prison or institution under the jurisdiction of the Director of Corrections, whether the products are finished or unfinished, the materials from which such products are made or to be made, and the equipment necessary for the production thereof, against any or all risks of loss, wherever such products, materials, or equipment are located, while in the possession of the Department of Corrections and while in transit thereto or therefrom or in storage, in such amounts as the director deems proper. The cost of such insurance shall be paid from the Correctional Industries Revolving Fund."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 422—An act to amend Section 2722 of the Penal Code, relating to the sale of jute goods.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 20, of the printed bill, strike out "board in its", and insert "Director of Corrections in his".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 416—An act to amend Section 5005 of the Penal Code, relating to the maintenance of canteens in prisons and institutions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 13, of the printed bill, after the word "materials," strike out "and", and insert a comma; and after the word "supplies," insert "and equipment".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 315—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds of public bodies.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 388—An act to amend Section 483 of the Vehicle Code, relating to striking an unattended vehicle.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1460—An act to add Section 19b to the Penal Code, relating to prisoners, authorizing county sheriffs to transfer prisoners in county jails to industrial road camps.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 426—An act to amend Section 2726 of the Penal Code, relating to prison made goods.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 427—An act to amend Section 2870 of the Penal Code, relating to marking of prison made goods.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 314—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds of public bodies, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 415—An act to amend Section 2724 of the Penal Code, relating to prison made goods, and making the resale for personal profit by a purchaser thereof a misdemeanor.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 424—An act to amend Section 2700 of the Penal Code, relating to compensation of prisoners.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1459—An act to amend Section 16047 of the Government Code, relating to suits against the State.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary :

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "service of complaint and summons", and insert "appearance of the defendant".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 570—An act to add Section 2703 to the Penal Code, relating to employment of prisoners.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary :

Amendment No. 1

In line 2 of the title of the printed bill, after "prisoners", insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1 of said bill, after line 8, insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows :

At the Fifty-sixth Session of the Legislature of California the Legislature found that due to the necessities of the war then in progress, the demands of the United States Army and Navy and of defense industry had resulted in a manpower shortage and that said shortage made it necessary that prisoners be employed in the manufacture and production of goods and the performance of services for the Federal Government and its agencies. Accordingly, the Legislature authorized the Department of Corrections to so employ prisoners until April 15, 1947. The Legislature at its Fifty-seventh Session, extended this authority until June 30, 1948, and the Fifty-eighth Session of the Legislature further extended the date to June 30, 1949, deeming it necessary for the preservation of the public health and safety.

The United States Navy desires to extend its present contracts with the Department of Corrections until at least June 30, 1950, for the reason that the unsettled world conditions dictate that the military services be in a state of readiness to meet any and all emergencies.

Further, with the expiration of the present contract on June 30, 1949, the State will suffer the loss of revenue and useful employment essential to the rehabilitation of prisoners.

Therefore, for the preservation of the peace, health and safety of the citizens of this State and of the Nation, it is necessary that this act take effect immediately."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 525—An act to amend Section 954 of the Streets and Highways Code, relating to the abandonment of county highways, including the creating and designating of stock trails.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1 of the printed bill, strike out lines 13 and 14, and insert "highway or may designate such county highway a stock trail."

Amendment No. 2

On page 1, line 17, of said bill, strike out "and", and insert a period.

Amendment No. 3

On page 1 of said bill, strike out line 18.

Amendment No. 4

On page 1 of said bill, strike out lines 20 and 21, and insert "provided in this chapter, the county shall not be liable in any way for any damages resulting from the use of such stock trail by any vehicle."

Such stock trails shall not be included in the term "maintained mileage of county roads" as that term is used in Chapter 3 of Division 3 of this code."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 527—An act to amend Section 943 of the Streets and Highways Code, relating to the abandonment of county highways, including the authorizing of boards of supervisors to create and designate stock trails.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

Strike out lines 18 and 19 of the printed bill, and insert "seded by relocation. The county shall not be liable in any way for any damages resulting from the use of such stock trail by any vehicle. Such stock trails shall not be included in the term "maintained mileage of county roads" as that term is used in Chapter 3 of Division 3 of this code."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 3107—An act authorizing the Director of Finance to acquire real property in the City of Long Beach, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1662—An act to amend Sections 6852, 6855, 6857, 6861, 6862, 6864, 6865, 6866, 6876, 6877, 6878, 6880, 6885, 6889, 6890, 6895, 6897, 6898, 6902, 6906, 6907, 6908, 6909, 6910, 6911, 6912, 6913, 6914, 6915, 6916, 6922, 6923, 6925, 6926, 6930, 6950, and to add Sections 6858, 6931, 6947, 6948, and to renumber Sections 6939 and 6940 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "6885," insert "6886."

Amendment No. 2

On page 3, line 24, of said bill, strike out "managing director", and insert "manager".

Amendment No. 3

On page 4, line 18, of said bill, strike out "director or trustee", and insert "person".

Amendment No. 4

On page 4, lines 28 and 29, of said bill, strike out "director or trustee", and insert "person".

Amendment No. 5

On page 4, line 40, of said bill, after "director", insert ", manager".

Amendment No. 6

On page 5, line 9, of said bill, strike out "managing director, trustee", and insert "person".

Amendment No. 7

On page 5, lines 15 and 16, of said bill, strike out "when applicant will act as managing partner, managing director or managing trustee", and insert "if such individual will be actively in charge as manager".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 8

On page 5 of said bill, between lines 29 and 30, insert

"SEC. 13.5. Section 6886 of said code is amended to read:

6886. *Except as in this chapter otherwise provided, the [applicant, if an individual, or a partner, director or trustee, if a partnership, corporation or voluntary association,] person to be actively in charge of an agency or office as manager, shall:*

(a) Be a citizen of the United States.

(b) Be at least twenty-one years of age.

(c) Be of good moral character.

(d) Be a bona fide resident of this State continuously for at least one year prior to the date of the filing of the application.

(e) Possess the necessary qualifications of learning and ability.

(f) Pass the examination required."

Amendment No. 9

On page 5, line 45, of said bill, strike out "by the board", and insert "by the Secretary of State".

Amendment No. 10

On page 6, line 35, of said bill, after "trustee", insert "manager".

Amendment No. 11

On page 7, line 5, of said bill, following the word "license.", insert "where a hearing is held the proceedings shall be conducted in accordance with the Administrative Procedure Act, Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein."

Amendment No. 12

On page 8, line 32, of said bill, after "managing", insert "employee".

Amendment No. 13

On page 9, line 37, of said bill, after "partner", insert "managing employee".

Amendment No. 14

On page 10, line 28, of said bill, after "partner", insert "managing employee".

Amendment No. 15

On page 10, line 35, of said bill, following the word "State," insert "Where a hearing is held the proceedings shall be conducted in accordance with the Administrative Procedure Act, Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein."

Amendment No. 16

On page 10 of said bill, strike out all of lines 43 through 45, inclusive.

Amendment No. 17

On page 10, lines 51 and 52, of said bill, strike out "If the board determines from the findings of the chief or otherwise," and insert "If, upon completion of his investigation, the chief determines".

Amendment No. 18

On page 11 of said bill, strike out all of lines 1 through 4, inclusive, and insert "formal disciplinary action, he shall file his written findings thereon with the board. If, upon completion of his investigation, the chief determines that the evidence is sufficient to warrant formal disciplinary action, he shall file a written accusation with the board. The proceedings shall be conducted in accord."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Assembly Bill No. 442—An act to add Section 512.6 to the Vehicle Code, relating to speed limits.

Bill read second time, and ordered to third reading.

Assembly Bill No. 601—An act to add Sections 37.1 and 670.6 to, and to amend Section 141 of the Vehicle Code, relating to auxiliary dollies, the registration thereof, and brakes thereon.

Bill read second time, and ordered to third reading.

Assembly Bill No. 607—An act to amend Sections 195, 196, and 197 of, and to repeal Section 195.5 of the Vehicle Code, relating to chattel mortgages on registered vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1807—An act to add Section 104.65 to the Streets and Highways Code, relating to income from rental of properties acquired for highway purposes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2424—An act to amend Section 1331 of the Streets and Highways Code, relating to the county road commissioner.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1605—An act to amend Section 189 of the Code of Civil Procedure, relating to destruction of court records.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, of the printed bill, strike out lines 20 and 21, and insert "Notice is hereby given that on _____ (date) the justice (judge or clerk) of the justice's court (city court or police court) of _____ intends to dispose".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 44: By Senators Parkman and Salsman—Relative to approving an amendment to the charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the fifth day of April, 1949.

Request for Unanimous Consent

Senator Salsman asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 44, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 44

Senate Concurrent Resolution No. 44—Relative to approving an amendment to the charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the fifth day of April, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, and Watson—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Regan asked for, and was granted, unanimous consent to have Senate Joint Resolution No. 26 passed on file and retain its place on file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Mayo asked for, and was granted, unanimous consent to have Senate Constitutional Amendment No. 7 passed on file and retain its place on file until the next legislative day.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS**

Senate Bill No. 296—An act to add Section 1503.5 to the Education Code, relating to payments for the education of pupils residing in one district and attending in another.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller,

O'Gara, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 633—An act to repeal Chapter 1083 of the Statutes of 1931, approved June 19, 1931, relating to the impounding and utilization of the waters of the American River.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Tenney, Ward, Watson, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 634—An act to repeal Chapter 413 of the Statutes of 1935, approved July 9, 1935, relating to the Rector Dam Authority.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Tenney, Watson, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 648—An act to repeal Chapter 101 of the Statutes of 1929, approved April 12, 1929, relating to the impounding and utilization of the waters of the American River.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Powers, Rich, Salsman, Tenney, Watson, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 649—An act to repeal Chapter 569 of the Statutes of 1927, approved May 17, 1927, relating to the impounding and utilization of the waters of the American River.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, O'Gara, Powers, Rich, Salsman, Tenney, Watson, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 8—An act to amend Section 9 of the Monterey County Flood Control and Water Conservation District Act, relating to flood control.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, O'Gara, Powers, Regan, Rich, Salsman, Tenney, Watson, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 135—An act to amend Section 22500 of, and to add Section 22505 to, the Water Code, relating to disposition of irrigation district property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, O'Gara, Powers, Regan, Rich, Salsman, Tenney, Watson, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 61—An act to add Article 5, comprising Section 9126, to Chapter 1, Part 1, Division 2, Title 2 of the Government Code, providing for the establishment of special accounts for certain appropriations for expenses of the Legislature.

Bill read third time.

Motion to Amend

Senator Powers moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 1, of the printed bill, as amended in Senate, April 12, 1949, strike out "2", and insert "1".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Concurrent Resolution No. 25—Relative to a highway between Altamont Pass and Grapevine.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, and Watson—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 320—An act to repeal Sections 6309 and 6360 of the Education Code, and to amend Sections 6301, 6302, 6303, 6304, 6305, 6306, and 6361 of said code, relating to school district budgets.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 10, of the printed bill, as amended in Senate April 11, 1949, strike out "date", and insert "data".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

**MOTION TO RE-REFER SENATE BILLS NOS. 70, 424, 694, 791 AND
SENATE CONSTITUTIONAL AMENDMENT NO. 7**

Senator Rich moved that Senate Bills Nos. 70, 424, 694, 791 and Senate Constitutional Amendment No. 7 be re-referred to the Committee on Finance.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 370

Senator Ward moved that Senate Bill No. 370 be withdrawn from Committee on Revenue and Taxation for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 370—An act to amend Sections 214, 254, and 255 of the Revenue and Taxation Code, relating to the welfare exemption.

Bill read second time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, in the first line of the title thereof, strike out the words and figures "Sections 214, 254, and 255", and insert "Sections 214 and 254.5".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 2 of the printed bill, strike out lines 9 through 16, both inclusive, and substitute therefor the following:

"SEC. 2. Section 254.5 of the Revenue and Taxation Code is amended to read:
254.5. Affidavits for the welfare exemption shall be filed in duplicate on or before April 1st of each year with the assessor concerned and shall be accompanied by duplicate certified copies of the financial statements of the owner and operator. Copies of the affidavits and financial statements shall be forwarded forthwith by the assessor to the board which shall review all such affidavits and statements and may institute an independent audit or verification of the operations of the owner and operator to ascertain whether both the owner and operator meet the requirements of

Sections 214 and 215 of the Revenue and Taxation Code. [In this connection the board shall consider, among other matters, whether:

(a) The services and expenses of the owner or operator (including salaries) are excessive, based upon like services and salaries in comparable public institutions;

(b) The operations of the owner or operator, either directly or indirectly, materially enhance the private gain of any individual or individuals;

(c) Any capital investment of the owner or operator for expansion of physical plant is justified by the contemplated return thereon, and required to serve the interests of the community.]

The board shall forward to each assessor concerned its finding with respect to each claimant and said finding shall be considered by the assessor in his determination with respect to the claim for exemption."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1335

Senator Desmond moved that Senate Bill No. 1335 be withdrawn from Committee on Public Utilities for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1335—An act to add Part 5A, comprising Sections 1300 to 1392, inclusive, to the Municipal Utility District Act, relating to municipal utility districts.

Bill read second time.

Motion to Amend

Senator Desmond moved the adoption of the following amendments:

Amendment No. 1

On page 4, line 11, of the printed bill, after "after", insert "the date of the second".

Amendment No. 2

On page 4, line 45, of said bill, strike out "to be held for some other purpose", and insert ". Such resolution and such election shall, except to the extent otherwise provided in this Part 5A, conform to the requirements of Article 4, Chapter 1, Part 5 of this act".

Amendment No. 3

On page 7 of said bill, strike out lines 7 to 10, inclusive, and insert

"Sec. 1342. The resolution authorizing the issue of any bonds issued under this part shall determine the relative priorities with respect to payment of principal or interest of such bonds over payment of principal or interest of any bonds theretofore or thereafter issued under this part and such resolution may determine that all bonds issued under this part, payable out of the same revenues, shall be issued without any priority with respect to payment of principal or interest."

Amendment No. 4

On page 7, line 37, of said bill, strike out "Any", and insert "The board may provide in the resolution authorizing the issue of any bonds under this part that any".

Amendment No. 5

On page 7 of said bill, strike out lines 46 to 52, inclusive, and on page 8 thereof, strike out lines 1 to 8, inclusive, and insert

"Sec. 1348. The board may provide in the resolution authorizing the issue of any bonds under this part the terms and conditions upon which any provision of any resolution of the board constituting a part of the proceedings for the issuance of such bonds, or any provision of such bonds or coupons appurtenant thereto, may be modified if consented to by the holders of any percentage, specified in such resolution authorizing the issue of such bonds, of the aggregate principal amount of the outstanding bonds of such issue."

Amendment No. 6

On page 8 of said bill, strike out lines 48 to 51, inclusive, and insert "redemption ; provided, that no bond shall be subject to redemption unless such bond at the time of its issue states on its face that it is redeemable at the option of the district or by the operation of a sinking fund for bonds of that issue, as the case may be."

Amendment No. 7

On page 9 of said bill, strike out lines 18 to 29, inclusive, and strike out "bids" in line 30, and insert

"Sec. 1350.10. The board may provide for the sale of any such bonds upon such terms and conditions as the board in its discretion may determine, either at public or private sale. Bonds may be sold by the board below the par or face value thereof, but no issue of bonds shall be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser of the entire issue an average yield of more than 6 percent per annum, payable semiannually, according to standard tables of bond values".

Amendment No. 8

On page 10 of said bill, strike out lines 39 to 52, inclusive, and on page 11, strike out lines 1 to 22, inclusive.

Amendment No. 9

On page 11, line 34, of said bill, strike out "eight", and insert "ten".

Amendment No. 10

On page 11, line 35, of said bill, strike out "forty", and insert "fifty".

Amendment No. 11

On page 11 of said bill, strike out lines 36 to 39, inclusive.

Amendment No. 12

On page 11 of said bill, strike out lines 43 to 47, inclusive, and insert "Sec. 1360. Prior to the issue of any bonds to be issued pursuant to this part, the board,".

Amendment No. 13

On page 12, line 11, of said bill, strike out "acceptance of such proposal", and insert "adoption of such resolution".

Amendment No. 14

On page 13, line 16, of said bill, after "act.", insert "All bonds issued under this part shall be incontestable from and after the time of payment to the district of the purchase price thereof."

Amendment No. 15

On page 13, line 20, of said bill, strike out "premiums or".

Amendment No. 16

On page 13, line 24, of said bill, after "principal", insert "and premiums".

Amendment No. 17

On page 13, line 26, of said bill, after "issued.", insert "The board may provide in the resolution authorizing the issue of any bonds under this part that any portion of the proceeds of sale of the bonds may be applied to payment of interest during construction for a period of not to exceed three years from and after the date of such bonds."

Amendment No. 18

On page 14, line 28, of said bill, strike out "revenue", and on line 29 thereof, strike out "funds", and insert "revenues".

Amendment No. 19

On page 15, line 17, of said bill, strike out "In making any such investment in, or sale of, bonds the", and strike out all of lines 18, 19, and 20.

Amendment No. 20

On page 15 of said bill, strike out lines 27 to 29, inclusive, and insert "Sec. 1392. All bonds issued under this part shall be legal investment for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings and trust companies, and for the State School Fund, and for all sinking funds under the control of the State Treasurer. Whenever any money or funds may by law now or hereafter enacted be invested in, or loaned upon the security of, bonds of cities, cities and counties, counties, or school districts, in the State of California, such moneys or funds may be invested in, or loaned upon the security of, the bonds

of the district; and whenever bonds of cities, cities and counties, counties, or school districts by any law now or hereafter enacted may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds of the district may be so used.

All bonds issued under this part, to the same extent as bonds of any other municipality, shall also be legal for use by any state or national bank in the State as security for the deposit of funds of the State or of any county, city and county, or municipality or other public or municipal corporation within this State."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Utilities.

REPORTS OF STANDING COMMITTEES

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Senate Bill No. 711
Senate Bill No. 972
Senate Bill No. 975

Senate Bill No. 978
Senate Bill No. 1285

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which was referred:

Senate Bill No. 1282

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 88
Senate Bill No. 675

Senate Bill No. 1238
Assembly Bill No. 1266

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 204
Senate Bill No. 755
Senate Bill No. 869

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Senate Bill No. 496

Assembly Bill No. 843

Senate Bill No. 893

Assembly Bill No. 1945

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 13.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Senate Bill No. 316

Senate Bill No. 690

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Finance.

Committee membership 13; committee vote: Ayes 13.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Senate Bill No. 271

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; noes 2.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Assembly Bill No. 842

Assembly Bill No. 845

Assembly Bill No. 844

Assembly Bill No. 846

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 13.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which was referred:

Senate Bill No. 1236

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

HATFIELD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which were referred:

Senate Bill No. 638

Assembly Bill No. 207

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

HATFIELD, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which was referred:
Senate Bill No. 353

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

HATFIELD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which was referred:
Assembly Bill No. 1015

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

HATFIELD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which was referred:
Senate Bill No. 742

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

HATFIELD, Chairman

Above reported bill ordered to second reading.

MOTION TO WITHDRAW FROM ENROLLMENT

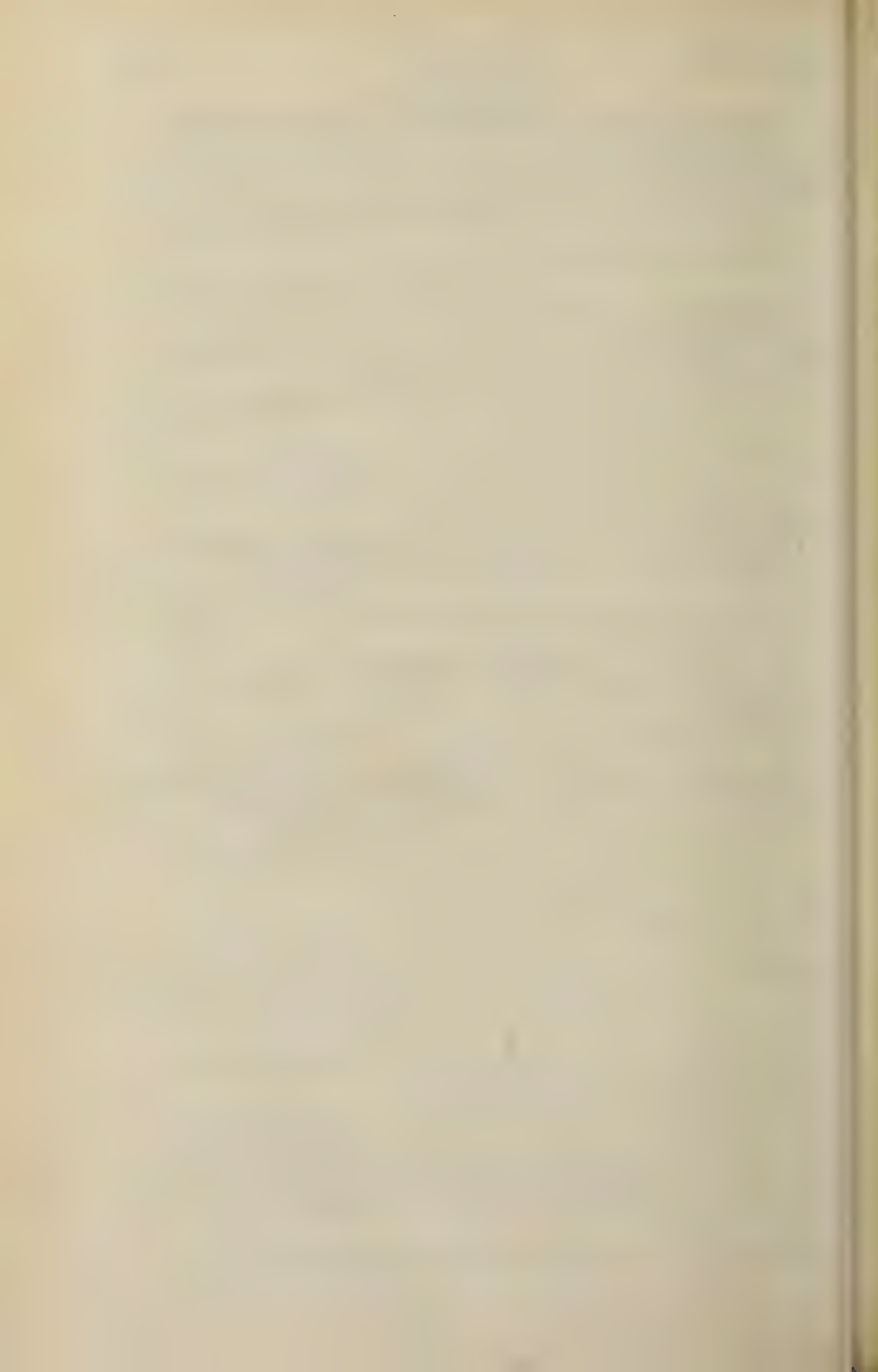
Senator Hatfield moved that Senate Bill No. 24 be withdrawn from enrollment.

Motion carried.

ADJOURNMENT

At 2.45 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Thursday, April 14, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTIETH LEGISLATIVE DAY
ONE HUNDRED SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, April 14, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:
Senator Parkman, on motion of Senator Powers, due to legislative business.

Senator Kraft, on motion of Senator Powers, due to legislative business.

Senator Dilworth, on motion of Senator Keating, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Burt W. Busch and daughters, Gail and Joyce, of Lakeport.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Hedstrom of Turlock and Hugh P. Donnelly, Jr., son of Senator Donnelly.

On request of Senator Hulse, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack Cann and Robert Lofgren of Concord.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. I. Barnes of Porterville.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Cleve Taylor of Sacramento and Mrs. Jane Starkey of Santa Monica.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert E. Jones, Superintendent, Shasta National Forest, and sons Robert and David.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Glenn Fountain, Chairman, Board of Supervisors, Merced County, W. C. Woxberg, Sec., Merced Fair Association, Emmet J. McNamara, County Assessor, Merced County.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Raynolds Johnson and William Raynolds of Richmond.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. J. A. Simpson, Den Mother, Mrs. E. Frances, Assistant Den Mother, and the following members of Cub Scouts, Den 7, Pack 7, of Stockton: Gordon Davis, Larry Emerson, Alan Caldwell, Prentice Rushing, Jerry Simpson, Jimmy Sidener, Gary Ricks, Steve Hanway.

On request of Senator Regan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Beth Gilmore, Mrs. Joseph Aleck, and Mrs. H. T. Hinman of Redding.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arnold J. Lapin of Los Angeles, Capt. Donald Gooch of U. C. L. A., Harold Willey of Sheffield, England.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Schlmeyer and George C. Laumann of Sacramento.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Leo D. Butts, Janell, Judy and Ryan, of Ventura.

On request of Senator Watson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Fuller Clark and Miss Sue Erwin of Whittier.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Walter Martin and Lyman D. LaTourrette of Los Angeles.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 309

Assembly Bill No. 373

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 183	Assembly Bill No. 1032
Assembly Bill No. 200	Assembly Bill No. 1275
Assembly Bill No. 250	Assembly Bill No. 1295
Assembly Bill No. 341	Assembly Bill No. 1477
Assembly Bill No. 378	Assembly Bill No. 1643
Assembly Bill No. 422	Assembly Bill No. 1709
Assembly Bill No. 521	Assembly Bill No. 1732
Assembly Bill No. 471	Assembly Bill No. 1827
Assembly Bill No. 578	Assembly Bill No. 1947
Assembly Bill No. 580	Assembly Bill No. 1950
Assembly Bill No. 635	Assembly Bill No. 2001
Assembly Bill No. 678	Assembly Bill No. 2075
Assembly Bill No. 703	Assembly Bill No. 2175
Assembly Bill No. 713	Assembly Bill No. 2177
Assembly Bill No. 916	Assembly Bill No. 2326
Assembly Bill No. 939	Assembly Bill No. 2501
Assembly Bill No. 941	Assembly Bill No. 2898
Assembly Bill No. 943	Assembly Bill No. 3102
Assembly Bill No. 977	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 21

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 183—An act to add Section 10c to the Municipal Court Act of 1925, relating to bail in municipal courts in cities or cities and counties of the second and one-half class.

Referred to Committee on Judiciary.

Assembly Bill No. 200—An act to add Article 5 to Chapter 1, Part 5, Division 11, of the Water Code, relating to flood control.

Referred to Committee on Water Resources.

Assembly Bill No. 250—An act to amend Section 31526 of the Government Code, relating to retirement of county employees, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

Assembly Bill No. 341—An act to add Section 5082.2 to the Business and Professions Code, relating to the registration of public accountants.

Referred to Committee on Business and Professions.

Assembly Bill No. 378—An act to add Sections 14402.1, 14444.1, 14450.6, 14480.6, 14480.7, 14480.8, and 14525.1 to, and to amend Sections 14401, 14406, 14450.5, 14451, and 14510 of, the Health and Safety Code, relating to county fire protection districts.

Referred to Committee on Local Government.

Assembly Bill No. 422—An act to add Sections 3a, 16a, 16b, 16c, 16d, 16E, and 16 $\frac{3}{4}$ to the Los Angeles County Flood Control Act, relating to the Los Angeles County Flood Control District.

Referred to Committee on Water Resources.

Assembly Bill No. 471—An act to amend Section 6029 of the Penal Code, relating to the Board of Corrections.

Referred to Committee on Judiciary.

Assembly Bill No. 521—An act to repeal Sections 4136, 4137, 4138, and 4139 of, and to add Sections 4136, 4137, 4138, and 4139 to, the Health and Safety Code, relating to garbage disposal districts.

Referred to Committee on Local Government.

Assembly Bill No. 578—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds of public bodies, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Local Government.

Assembly Bill No. 580—An act to amend Section 1361 of the Government Code, relating to oaths of office.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 635—An act to add Section 697.1 to the Vehicle Code, relating to the length of passenger busses.

Referred to Committee on Transportation.

Assembly Bill No. 678—An act to amend Section 7056 Public Resources Code, relating to oil, gas and mineral leases by counties and other public or quasi public corporations, bodies or agencies.

Referred to Committee on Natural Resources.

Assembly Bill No. 703—An act to amend Section 1080 of the Probate Code, relating to distribution of estates.

Referred to Committee on Judiciary.

Assembly Bill No. 713—An act to amend Section 1908 of the Harbors and Navigation Code, relating to fire protection.

Referred to Committee on Local Government.

Assembly Bill No. 916—An act to amend Section 202 of the Welfare and Institutions Code, relating to county contracts for medical and hospital services.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 939—An act to amend Section 497 of the Fish and Game Code, relating to closures to fishing.

Referred to Committee on Fish and Game.

Assembly Bill No. 941—An act to amend Section 1158 of the Fish and Game Code, relating to hunting.

Referred to Committee on Fish and Game.

Assembly Bill No. 943—An act to repeal Sections 1040, 1041, and 1042, and to amend Section 1043, of the Fish and Game Code, relating to fish breeding.

Referred to Committee on Fish and Game.

Assembly Bill No. 977—An act to amend Sections 1631, 2311, and 5709 of the Welfare and Institutions Code, relating to the local control and regulation of certain institutions, boarding homes and other places caring for children, the aged and the insane.

Referred to Committee on Local Government.

Assembly Bill No. 1032—An act to amend Sections 17813, 17817, and 18172.7 to the Revenue and Taxation Code, relating to personal income taxes.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1275—An act to amend Section 8352 of, and to add Sections 8354 to 8358, inclusive, to, the Revenue and Taxation Code, relating to aviation and airports and the financing thereof, including revenue from taxes on motor vehicle fuel.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1295—An act to amend Section 2 of Chapter 1276, Statutes of 1947 and Section 1015.5 of the Fish and Game Code, relating to fish, providing for a privilege tax in relation thereto, establishing a Marine Research Committee and making an appropriation.

Referred to Committee on Fish and Game.

Assembly Bill No. 1477—An act to amend Section 356 of the Streets and Highways Code, relating to state highways.

Referred to Committee on Transportation.

Assembly Bill No. 1643—An act to amend Section 26524 of the Government Code, relating to duties of district attorney.

Referred to Committee on Judiciary.

Assembly Bill No. 1709—An act to amend Section 1278 of the Fish and Game Code, relating to deer tags, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Fish and Game.

Assembly Bill No. 1732—An act to amend Section 254 of the Unemployment Insurance Act, relating to medical records.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1827—An act to add Section 6103.5 to the Government Code, relating to filing fees.

Referred to Committee on Judiciary.

Assembly Bill No. 1947—An act to amend Section 132.5 of the Agricultural Code, relating to the control and eradication of pests.

Referred to Committee on Agriculture.

Assembly Bill No. 1950—An act relating to the State Allocation Board and providing for the allocation by said board of public funds appropriated for allocation to local agencies for public works projects and incidental expenses declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2001—An act to amend Sections 1018 and 1073 of the Fish and Game Code, relating to commercial fishing reports.

Referred to Committee on Fish and Game.

Assembly Bill No. 2075—An act to amend Section 875.5 of the Fish and Game Code, relating to gill nets.

Referred to Committee on Fish and Game.

Assembly Bill No. 2175—An act to amend Sections 303, 346, 444, and 460 of, to add Section 513 to, and to repeal Section 530 of the Streets and Highways Code, relating to state highway routes.

Referred to Committee on Transportation.

Assembly Bill No. 2177—An act to amend Section 1184e of the Code of Civil Procedure, relating to claims of laborers or materialmen on public contracts.

Referred to Committee on Judiciary.

Assembly Bill No. 2326—An act to amend Sections 776 and 777 of the Vehicle Code, relating to moneys of the Departments of Motor Vehicles and California Highway Patrol.

Referred to Committee on Transportation.

Assembly Bill No. 2501—An act to amend Section 13368 of the Health and Safety Code, relating to the construction of the roof of a hazardous building of a clothes cleaning establishment.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2898—An act validating the formation and existence of county waterworks districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold and all proceedings for the issuance of bonds heretofore had and taken by such districts, and providing for the payment of such bonds.

Referred to Committee on Local Government.

Assembly Bill No. 3102—An act to amend the title of Chapter 5.5 of Division 3 of, and to amend Section 2426 of, the Health and Safety Code, relating to mosquito and gnat control, to take effect immediately.

Referred to Committee on Public Health and Safety.

Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 23b of Article IV thereof, relating to expenses of Members of the Legislature while attending sessions of the Legislature.

Referred to Committee on Governmental Efficiency.

Chief Assistant Secretary Cleve V. Taylor at the Desk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 61

Senate Bill No. 320

And reports the same correctly re-engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 416

Senate Bill No. 570

Senate Bill No. 419

Senate Bill No. 1526

Senate Bill No. 422

Senate Bill No. 1528

Senate Bill No. 525

Senate Bill No. 1534

Senate Bill No. 527

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 314

Senate Bill No. 1081

Senate Bill No. 315

Senate Bill No. 1277

Senate Bill No. 332

Senate Bill No. 1393

Senate Bill No. 388

Senate Bill No. 1412

Senate Bill No. 415

Senate Bill No. 1413

Senate Bill No. 426

Senate Bill No. 1460

Senate Bill No. 427

Senate Bill No. 1527

Senate Bill No. 596

Senate Bill No. 1533

Senate Bill No. 632

Senate Bill No. 1542

Senate Bill No. 635

Senate Bill No. 1543

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 43—An act to amend Section 27380 of the Government Code, relating to filing fees;

Senate Bill No. 44—An act to repeal Section 27378 of the Government Code, relating to the fee for recording marks or brands;

Senate Bill No. 148—An act to amend Section 750.2 of the Agricultural Code, relating to the effective period of Chapter 14 of Division 4 of said code, relating to the California Dairy Industry Advisory Board;

Senate Bill No. 195—An act to amend Section 28127 of the Government Code, relating to compensation for public service in counties of the twenty-seventh class;

Senate Bill No. 223—An act to amend Section 813.5 of the Agricultural Code, relating to standards for celery;

Senate Bill No. 257—An act to amend Section 812.4 of the Agricultural Code, relating to standard containers for carrots;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of April, 1949, at 4 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 269—An act to amend Section 1 of, and to add Section 1.5 to, an act entitled "An act providing that the State of California enter into a compact with the States of Oregon and Washington, one or both, to promote the better utilization of the fisheries, marine, shell, and anadromous of the Pacific Seaboard, and to create the Pacific Marine Fisheries Commission; providing for the members of such commission from the State of California; providing for the administration of the provisions of said compact; and making an appropriation," approved July 17, 1947, relating to the termination of a Pacific Marine Fisheries Compact, and declaring the urgency thereof, to take effect immediately;

Senate Bill No. 273—An act to amend Section 28114 of the Government Code, relating to compensation of county officers;

Senate Bill No. 299—An act to amend the title of, and to add Section 4 to, "An act making an appropriation to the Regents of the University of California for establishing and operating an Institute of Transportation and Traffic Engineering," approved July 19, 1947, relating to the expenses of certain state, county, city and county, city or district officers and employees attending and participating in meetings of such institute;

Senate Bill No. 601—An act to add Sections 170, 171, and 172 to the Government Code, relating to the boundary of the State of California along the Pacific Coast and to the inland waters of California in coastal areas, giving greater precision thereto by declaring the lines thereof;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of April, 1949, at 4 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 753—An act to amend Section 29741 of the Government Code, relating to the audit and allowance of claims against counties;

Senate Bill No. 765—An act to add Title 5 and Sections 500046 and 500047 to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government, and to repeal acts and parts of acts specified therein;

Senate Bill No. 766—An act to add Section 1226 to the Government Code, and to repeal an act entitled "An act providing for the issuance of duplicate certificates, where certificates issued under authority of law have been lost or destroyed by conflagration or other public calamity," approved June 16, 1906, (Chapter 53 of the Statutes of the Extra Session of 1906), relating to the issuance of duplicate certificates, and to consolidate and revise the law relating to the organization, operation and maintenance of a system of state and local government;

Senate Bill No. 767—An act to add Article 6.5, comprising Sections 1170 to 1176, inclusive, to Chapter 1, Division 4 of Title 1 of the Government Code, and to repeal an act entitled "An act to authorize public agencies to withhold amounts from salaries and wages, paid by public agencies and to comply with provisions of internal revenue laws of the United States, declaring the urgency of this act, to take effect immediately," approved February 10, 1943 (Chapter 48 of the Statutes of 1943), relating to withholding taxes from wages, and to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of April, 1949, at 4 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 768—An act to add Chapter 5, comprising Sections 6500 to 6547, inclusive, to Division 7 of Title 1 of the Government Code, and to repeal an act entitled "An act providing for the joint exercise of powers by counties, by municipalities, or by municipalities and counties," approved May 20, 1921, (Chapter 363 of the Statutes of 1921), and an act entitled "An act authorizing certain indebtedness to be incurred in connection with the joint exercise of powers by public agencies," approved July 2, 1947, (Chapter 1044 of the Statutes of 1947), relating to the joint exercise of powers by cities and counties and the incurring of indebtedness therefor, and to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government;

Senate Bill No. 1512—An act to amend Sections 28138 and 28139 of the Government Code and Section 438 of the Education Code, relating to compensation for public service;

Senate Bill No. 1572—An act to amend Section 26826 of the Government Code, relating to the appearance of defendant, intervenor, respondent, correspondent, or adverse party;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of April, 1949, at 4 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Joint Resolution No. 7—Relative to memorializing the Congress of the United States to enact legislation relating to the disposal of temporary housing;

Senate Joint Resolution No. 21—Relating to memorializing the Federal Department of Interior and the Bureau of Reclamation of the Federal Government in relation to reimbursing the State of California and the reconstruction of flood control works on the Sacramento River;

Senate Joint Resolution No. 24—Relative to memorializing the President of the United States, the Vice President of the United States and the Third Assistant Postmaster General at Washington, D. C., in relation to issuing special stamp commemorating heroism and self-sacrifice of Manly and Jayhawker parties;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the thirteenth day of April, 1949, at 4 p.m.

POWERS, Chairman

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Transportation to which was referred:
Assembly Bill No. 618

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 10; absent 3.

COLLIER, Chairman

Above reported bill ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:
Assembly Bill No. 920

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 13.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 13, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which was referred:
Assembly Bill No. 2108

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

PARKMAN, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:
Senate Joint Resolution No. 27

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported resolution ordered to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 280

Senator Tenney moved that Senate Bill No. 280 be withdrawn from Committee on Governmental Efficiency for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 280—An act to add Article 5 to Chapter 2, Division 4, Title 1 of the Government Code, relating to public employees' loyalty oaths and checks.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 15, of the printed bill as amended in Senate April 11, 1949, strike out "that he is not", and insert "as to whether or not he advocates or is".

Amendment No. 2

On page 1, line 17, of said bill, strike out "pledged to support", and insert "which advocates the support of".

Amendment No. 3

On page 1, line 18, of said bill, strike out "which".

Amendment No. 4

On page 1, line 19, of said bill, strike out "its objective or one of", and insert "his or its objective or one of his or".

Amendment No. 5

On page 2 of said bill, strike out line 33, and insert

"(d) I do further swear (or affirm) that I have never been a member of, or directly or indirectly supported or followed any of the hereinafter listed organizations, except those that I indicate by an X mark.

(Herein may be listed, for evidentiary purposes, organizations designated as subversive and un-Amer."

Amendment No. 6

On page 2, lines 34 and 35, of said bill, strike out ", Congressional and state legislative", and insert "or by Congressional".

Amendment No. 7

On page 2, line 36, of said bill, strike out "may be listed in such affidavits for evidentiary purposes".

Amendment No. 8

On page 2, line 41, of said bill, strike out "member.", and insert "member.)

Subscribed and sworn to before me this _____ day of _____, 19____ (Signature)

_____ (Signature of an officer authorized by law to administer oaths.)"

Amendment No. 9

On page 3 of said bill, strike out lines 6 and 7, and insert "employee and any such superior is hereby authorized to administer the oath to such affidavit."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 515

Senator Tenney moved that Senate Bill No. 515 be withdrawn from Committee on Governmental Efficiency for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 515—An act to add Section 1106 to the Labor Code, relating to the hiring and discharging of employees.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 17, of the printed bill, as amended in Senate April 11, 1949, after "who", insert "advocates or".

Amendment No. 2

On page 1, line 18, of said bill, strike out "pledged to", and insert "which advocates the".

Amendment No. 3

On page 1, line 19, of said bill, after "support", insert "of".

Amendment No. 4

On page 1, line 20, of said bill, strike out "which advocates or has as", and insert "advocates or has as his or".

Amendment No. 5

On page 1, line 21, of said bill, before "its", insert "his or".

Amendment No. 6

On page 1, line 26, of said bill, after "employee", insert "advocates or".

Amendment No. 7

On page 2, line 10, of said bill, strike out "pledged to support", and insert "which advocates the support of".

Amendment No. 8

On page 2, lines 11 and 12, of said bill, strike out "which advocates or has as its objective or one of", and insert "advocates or has as his or its objective or one of his or".

Amendment No. 9

On page 2, line 13, of said bill, after "of the", insert "government of the".

Amendment No. 10

On page 2 of said bill, strike out line 39, and insert

"(c) I do further swear (or affirm) that I have never been a member of, or directly or indirectly supported or followed any of the hereinafter listed organizations, except those that I indicate by an X mark.

(Herein may be listed, for evidentiary purposes, organizations designated as subversive and un-Amer-".

Amendment No. 11

On page 2, lines 40 and 41, of said bill, strike out ", congressional and state legislative", and insert "or by congressional".

Amendment No. 12

On page 2, lines 42 and 43, of said bill, strike out "may be listed in such affidavits for evidentiary purposes".

Amendment No. 13

On page 2, line 45, of said bill, strike out "member.", and insert "member.)

Subscribed and sworn to before me this _____ day of _____, 19____ (Signature)

_____, 19____ (Signature of an officer
authorized by law to administer oaths.)"

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Amendment No. 4

On page 2 of said bill, strike out lines 12 to 29, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 411—An act to add Chapter 7 to Division 20 of the Health and Safety Code, relating to acts affecting fire protection agencies.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out line 8, and insert "tem".

Amendment No. 2

On page 1, line 12, of said bill, as amended, strike out "affect, in any way," and insert "impair or hamper".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1279—An act to amend Section 5531 of the Public Resources Code, relating to regional park districts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1, lines 8 and 9, of the printed bill, strike out "two hundred fifty (250)", and insert "five hundred (500)".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 249—An act to amend Section 4165 of the Public Resources Code, relating to fire protection and regulating the disposal of waste material.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 711—An act to amend Section 10310 of the Insurance Code, relating to disability insurance policies.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 1 of the title of the printed bill, insert a comma after "10310", and following such comma insert "10270.95, and 10291.5 of, to repeal Section 12957".

Amendment No. 2

In line 1 of the title of said bill, insert a comma after the word "of", and following such comma insert "and to add Section 10310.5 to".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, strike out lines 1 to 25, inclusive, and insert

"SECTION 1. Section 10310 of the Insurance Code is amended to read:

10310. Such disability policy shall not be issued or delivered to any person in this State:

- (a) Unless the entire consideration therefor is expressed in the policy.
- (b) Unless the times at which the insurance takes effect and terminates are stated in a portion of the policy above the evidence of its execution by the insurer.
- (c) If the policy purports to insure more than one person.
- (d) Unless every printed portion and any endorsements or attached papers are plainly printed in type of which the fact is not smaller than 10-point.
- (e) [Except in the case of transportation ticket policies,] [u] Unless, if the policy contains a brief description, such brief description [of the policy] is printed on its first page and on a filing back in type with the face nor smaller than 14-point.
- (f) Unless the exceptions of the policy are printed with the same prominence as the benefits to which they apply.
- (g) Unless, if any portion of such policy purports, by reason of the circumstances under which a loss is incurred, to reduce any indemnity to an amount less than that provided for the same loss occurring under ordinary circumstances, such portion is printed in bold-face type and with greater prominence than any other portion of the text of the policy.

(h) If the policy contains amendment, change, limitation, alteration, or restriction of the printed text by endorsement, or by any means other than rider upon a separate piece of paper made a part of such policy.

(i) If any portion of such policy purports to reduce benefits by reason of age of the insured and such reduction, in accordance with the age of the insured as stated in his application, would be effective on the issue date of the policy.

SEC. 2. Section 10291.5 of the Insurance Code is amended to read:

10291.5. (a) The purpose of this section is to prevent, in respect to disability insurance, fraud, unfair trade practices, and insurance economically unsound to the insured.

(b) The commissioner shall not approve any disability policy for issuance or delivery in this State:

(1) If he finds that it contains any provision, or has any label, description of its contents, title, heading, backing, or other indication of its provisions which is unintelligible, uncertain, ambiguous, or abstruse, or likely to mislead a person to whom the policy is offered, delivered, or issued.

(2) If it contains any provision for payment at a rate, or in an amount (other than the product of rate times the periods for which payments are promised) for loss caused by particular event or events (as distinguished from character of physical injury or illness of the insured) more than triple the lowest rate, or amount, promised in the policy for the same loss caused by any other event or events (loss caused by sickness, loss caused by accident, and different degrees of disability each being considered, for the purpose of this paragraph, a different loss): Or if it contains any provision for payment for any confining loss of time at a rate more than six (6) times the least rate payable for any partial loss of time or more than twice the least rate payable for any nonconfining total loss of time: or if it contains any provision for payment for any nonconfining total loss of time at a rate more than three (3) times the least rate payable for any partial loss of time.

(3) If it contains any provision for payment for disability caused by particular event or events (as distinguished from character of physical injury or illness of the insured) payable for a term more than twice the least term of payment provided by the policy for the same degree of disability caused by any other event or events: or if it contains any benefit for total nonconfining disability payable for lifetime or for more than twelve (12) months and any benefit for partial disability, unless such benefit for partial disability is payable for at least three (3) months: or if it contains any benefit for total confining disability payable for lifetime or for more than twelve (12) months, unless it also contains benefit for total nonconfining disability caused by the same event or events payable for at least three (3) months, and, if it also contains any benefit for partial disability, unless such benefit for partial disability is payable for at least three (3) months. The provisions of this paragraph shall apply separately to accident benefits and to sickness benefits.

(4) If it contains provision whereby the discontinuance of the in force status of the policy after the occurrence while such policy was in force of an accident, or after the commencement while such policy was in force of total disability from sickness, will terminate or reduce such liability as the insurer would otherwise have under the other terms of the policy, including its other limitations, conditions, reductions, exceptions and restrictions, for losses resulting from such accident, or accruing during continuance of such disability.

(5) If by any caption, label, title or description of contents the policy states, implies, or infers without reasonable qualification that it provides loss of time indemnity for lifetime, or for any period of more than two years, if such loss of time, indemnity is made payable only when house confined or only under special contingencies not applicable to other total loss of time indemnity.

(6) If it contains any benefit for total confining disability payable only upon condition that the confinement be of an abnormally restricted nature unless the caption of the part containing any such benefit is accurately descriptive of the nature of the confinement required and unless if the policy have a description of contents, label, or title at least one of them contain reference to such nature of the confinement required.

(7) If any coverage of the policy, or the policy as a whole, is (or will be due to age reduction) not sufficient to constitute insurance of real economic value to the insured;

(In acting under this provision the commissioner shall treat similarly insurances which are reasonably to be expected to be offered to similar economic or occupational classes of persons and shall give reasonable regard to the following elements:

(i) Sound underwriting;

(ii) Amount of benefit, length of time of benefit, nature or extent of benefit, or any combination of such factors;

(iii) General cost of living; and

(iv) Whether to be issued upon an industrial or other basis;

provided, however, that to constitute insurance of real economic value, it shall not be necessary that any disability policy cover the full amount of any loss which might be suffered by reason of the occurrence of any hazard or event insured against.)

(8) If it contains provision which has the effect, other than at the election of the insured, of substituting, upon the occurrence of any dismemberment, some specified indemnity for any or all other benefits of the policy, unless the least indemnity so specified is equal to, or greater than, the total of the benefit or benefits for which such specified indemnity is substituted which, assuming in all cases that the insured would continue to live, could possibly accrue in the natural course of events under the other terms of the policy from the occurrence causing the dismemberment, or, when the policy provides lifetime loss of time benefit for which such specified indemnity is substituted, the least indemnity so specified is equal to, or greater than fifty (50) times the greatest loss of time benefit payable under any circumstances in any one month under any provision of the policy; or which limits to less than ninety (90) days the period of time within which the insured must exercise the right to such election if any is granted him; or which, if such policy is submitted for approval on or after July 1, 1954, has the effect, other than at the election of the insured, of substituting, upon the occurrence of any dismemberment, some specified indemnity for any or all other benefits of the policy.

(9) If it contains provision, other than as provided in Section 10370, reducing any original benefit more than fifty percent (50%) on account of age of the insured.

(10) If the insuring clause or clauses contain no reference to the exceptions, limitations and reductions (if any) or no specific reference to, or brief statement of, each abnormally restrictive exception, limitation or reduction.

(11) If it contain benefits payable only for loss from specified diseases unless the diseases so specified are so similar in nature as to be capable of accurate description by some commonly known generic term.

(12) If it does not contain provision for a grace period of at least the number of days specified below for the payment of each premium falling due after the first premium, during which grace period the policy shall continue in force; provided that the grace period to be included in the policy shall be not less than seven (7) days for policies providing for weekly payment of premium, not less than ten (10) days for policies providing for monthly or quarterly payment of premium and not less than thirty-one (31) days for all other policies.

(13) If it fail to conform in any respect with any law of this State.

(c) The commissioner may, from time to time as conditions warrant, after notice and hearing, promulgate such reasonable rules and regulations, and amendments and additions thereto, as are necessary or convenient, to establish, in advance of the submission of policies, the criteria conforming to the provisions of subdivision (b) of this section, by which particular policies will be approved or disapproved by him.

There is hereby established a committee to consist of five members to be appointed by the commissioner from persons actively engaged in the insurance business and who have had experience of such a nature as to make them familiar with the purposes and practices of corporations engaged in the disability insurance business. Such members shall be appointed and serve without compensation or expense reimbursement for terms of three years and until their successors have been appointed. The commissioner shall by appointment fill any vacancy that may occur in such committee. Meetings of the committee shall be held on the call of the commissioner or any two members. Such committee shall have power to consider and propose and, by affirmative vote of three of all of its members, to make recommendations to the commissioner concerning the substance and form of such rules and regulations.

In promulgating any such rule or regulation the commissioner shall give consideration to the recommendations of the committee hereinabove established and to the desirability of approving for use in policies in this State uniform provisions, nationwide or otherwise, and is hereby granted the authority to consult with insurance authorities of any other state and their representatives individually or by way of convention or committee, to seek agreement upon such provisions.

Any such rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code.

(d) The commissioner may withdraw approval of filing of any policy or other document or matter required to be approved by him, or filed with him, by the provisions of this chapter when he would be authorized to disapprove or refuse filing of the same if originally submitted at the time of such action of withdrawal.

Any such withdrawal shall be in writing and shall specify reasons. An insurer adversely affected by any such withdrawal may, within a period of thirty (30) days following mailing or delivery of the writing containing such withdrawal, by written request secure a hearing to determine whether such withdrawal should be annulled, modified or confirmed. Unless, at any time, it be mutually agreed to the contrary, hearing shall be granted and commenced within a period of thirty (30) days following filing of the request and shall proceed with reasonable dispatch to determination. Unless the commissioner in writing in such withdrawal, or subsequent thereto, grants an extension, any such withdrawal shall, in the absence of any such request, be effective, prospectively and not retroactively, on the ninety-first (91st) day following the mailing or delivery of such withdrawal, and, if request for such hearing be filed, on the ninety-first (91st) day following mailing or delivery of written notice of the commissioner's determination.

(e) No proceeding under this section shall be subject to the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

(f) Except as provided in subdivision (i) of this section, any action taken by the commissioner under this section shall be subject to review by the courts of this State and proceedings on review shall be in accordance with the provisions of the Code of Civil Procedure.

Notwithstanding any other provision of law to the contrary, petition for any such review may be filed within twenty (20) days after written notice of and a copy of the action of the commissioner is mailed or delivered to the person adversely affected. No action of the commissioner shall become effective until the expiration of said twenty (20) days and any action so submitted for review shall not become effective for a further period of fifteen (15) days after the filing of the petition in court. The court may stay the effectiveness thereof for a longer period.

(g) This section shall be liberally construed to effectuate the purpose and intentions herein stated; but shall not be construed to grant the commissioner power to fix rates for disability insurance or prescribe a standard form of disability policy.

(h) This section shall be effective on and after July 1, 1950, as to all policies thereafter submitted and on and after January 1, 1951, as to any policy thereafter issued or delivered in this State irrespective of when its form may have been submitted or approved, and prior to such dates the provisions of law in effect on January 1, 1949, shall apply to such policies.

(i) Any such policy issued by an insurer to an insured on a form approved by the commissioner, and in accordance with the conditions, if any, contained in the approval, at a time when such approval is outstanding shall, as between the insurer and the insured, or any person claiming under the policy, be conclusively presumed to comply with and conform to the provisions of this section.

SEC. 3. Section 12957 of the Insurance Code is hereby repealed.

SEC. 4. Section 10270.95 of the Insurance Code is hereby amended to read as follows:

10270.95. Without affecting the applicability or degree of applicability of other sections of this chapter, it is hereby specified that the provisions of Sections 10310.5, 10312, 10313, 10401, of subdivisions (a), (c), (e), (f), [and] (g), (h), and (i) of Section 10310, of subdivision (a) of Section 10240, and of paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (12) of subdivision (b) and subdivisions (c), (d), (e), (f), (g), and (i) of Section 10291.5, shall not apply to group disability insurance. The provisions of Section 10401 shall not apply to family expense disability insurance.

SEC. 5. Section 10310.5 is hereby added to the Insurance Code, to read:

10310.5. After issuance a disability policy shall not be amended, changed, limited, altered, or restricted by any means other than rider upon a separate piece of paper.

SEC. 6. If any provision of this act, or the application thereof to any person, or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons, or circumstances, shall not be affected thereby."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 972—An act to add Section 704.7 to the Insurance Code, relating to the denial, suspension and revocation of certificate of authority to insurers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In the second line of the title of the printed bill, insert an "s" on the end of the word "certificate".

Amendment No. 2

On page 1, line 3, of said bill, after the word "commissioner", and before the word "may", insert "in addition to any other proper ground for denying, suspending or revoking a certificate of authority,".

Amendment No. 3

On page 1, line 11, of said bill, after the word "commissioner", and before the word "within", insert "to make good".

Amendment No. 4

On page 1 of said bill, strike out all of lines 14 to 20, inclusive.

Amendment No. 5

On page 1, line 21, of said bill, strike out "(d)", and insert "(c)", and strike out "person", and insert "insurer".

Amendment No. 6

On page 1, line 25, of said bill, strike out "(e)" and insert "(d)".

Amendment No. 7

On page 1, line 26, of said bill, after the word "affairs", but before the period, insert "and is permitted to continue in the capacity of an officer, director or employee of such insurer".

Amendment No. 8

On page 2, line 1, of said bill, strike out "(f)", and insert "(e)".

Amendment No. 9

On page 2, line 3, of said bill, after the word "insurer", but before the period, insert "and is permitted to continue in the capacity of an officer, director, attorney in fact or employee of the insurer".

Amendment No. 10

On page 2, line 4, of said bill, strike out "(g)", and insert "(f)".

Amendment No. 11

On page 2, line 6, of said bill, strike out "(h) That the last report of", and insert "(g) Than an".

Amendment No. 12

On page 2, line 10, of said bill, strike out "Chapter 3, of Part 1 of Division 1 of Title 2", and insert "Chapter 5 of Part 1 of Division 3 of Title 2".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 975—An act to add Sections 918.1, 918.2, 918.3, 918.4, 918.5, and 918.6 to the Insurance Code, relating to the credits which may be taken by an insurer against loss and unearned premium reserves as the result of reinsuring a portion of its business and the allowance as admitted assets of certain accounts receivable from reinsurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In the first and second lines of the title of the printed bill, as amended, strike out "918.1, 918.2, 918.3, 918.4, 918.5 and 918.6", and insert "922.1, 922.2, 922.3, 922.4 and 922.5" and in the fourth line of the title, after the word "reinsuring", insert "the whole or".

Amendment No. 2

On page 1, line 1, and on page 2, line 11, of said bill, as amended, strike out "918.1", and insert "922.1".

Amendment No. 3

On page 2, line 12, of said bill, as amended, strike out "918.2 to 918.5", and insert "922.2 to 922.4".

Amendment No. 4

On page 2, line 14, of said bill as amended, after "that", strike out "a", and insert "the whole or any".

Amendment No. 5

On page 2 of the printed bill, as amended, strike out all of lines 16 to 20, inclusive, and the words "deducted the" on line 21, and insert:

"(a) The amounts recoverable by the insurer from such reinsurer for losses due and unpaid, for claims for losses resisted by the insurer and for losses in process of adjustment or in suspense including all reported or supposed losses.

(b) The".

Amendment No. 6

On page 2, line 26, of said bill, as amended, strike out "918.2 to 918.6", and insert "922.2 to 922.5".

Amendment No. 7

On page 2, line 27, of said bill, as amended, strike out "limit deductions", and insert "in any way limit or otherwise offset deductions from liabilities".

Amendment No. 8

On page 2, line 30, and page 3, line 9, of said bill, as amended, strike out "918.2", and insert "922.2" and on page 3, line 9, strike out "918.1", and insert "922.1".

Amendment No. 9

On page 3 of said bill, as amended, strike out lines 11 and 12, and the words "ceding insurer" on line 13, and insert "that the portion of any risk or obligation assumed by the reinsurer, when such portion is ascertained, shall be payable on demand of the ceding insurer at the same time as the ceding insurer shall pay its net retained portion of such risk or obligation".

Amendment No. 10

On page 3, line 16, of said bill, as amended, after the comma and before the word "on", insert "to its liquidator or conservator (except where either the contract of insurance or the contract of reinsurance specifically provides another payee of such reinsurance in the event of the insolvency of the ceding insurer)".

Amendment No. 11

On page 3, lines 19 and 20, of said bill, as amended, strike out "or has declared a moratorium against the payment of such claims".

Amendment No. 12

On page 3, lines 32 and 33, of said bill, as amended, strike out "of the conservator or liquidator and".

Amendment No. 13

On page 3 of said bill, as amended, between lines 36 and 37, insert "The original insured shall have no right against the reinsurer which is not specifically set forth in the contract of reinsurance."

Amendment No. 14

On page 3, line 37, of said bill, as amended, strike out "918.3", and insert "922.3".

Amendment No. 15

On page 4 of said bill, as amended, strike out all of lines 34 to 52, inclusive, and on page 5 strike out lines 1 to 12, inclusive, and insert

"922.3. Where an insurer has reinsured in excess of 25 percent of its gross unearned premiums, before any deduction for reinsurance, in alien reinsurers which do not maintain adequate deposits in the United States for the protection of policyholders

in the United States, the deduction specified in subdivision (b) of Section 922.1 shall not be made or allowed with respect to such excess over 25 percent, and the deduction specified in subdivision (a) of Section 922.1 shall not be made or allowed on account of such reinsurance in excess of that portion thereof which bears to the whole the same ratio that 25 percent of such gross unearned premiums bears to the unearned premium actually so reinsured."

Amendment No. 16

On page 5, lines 13 and 14, of said bill, as amended, strike out "918.4", and insert "922.4".

Amendment No. 17

On page 5, line 16, of said bill, as amended, strike out "918.1", and insert "922.1".

Amendment No. 18

On page 5, line 18, of said bill, as amended, strike out "reasonable" and insert "reasonably".

Amendment No. 19

On page 5, lines 21 and 22, of said bill, as amended, strike out "corporation not authorized to transact insurance in any state of the United States", and insert "insurer not maintaining in the United States an adequate guaranty deposit for the protection of policyholders in the United States".

Amendment No. 20

On page 5 of said bill, as amended, strike out all of lines 31 to 37, inclusive.

Amendment No. 21

On page 5, line 38, of said bill, as amended, strike out "6", and insert "5", and also strike out "918.6", and insert "922.5".

Amendment No. 22

On page 5 of said bill, as amended, strike out lines 39 and 40, and insert "922.5. Losses or portions thereof paid by the ceding insurer which are recoverable from an admitted reinsurer may be allowed as assets of such ceding insurer. Losses or portions thereof paid by the ceding insurer which are recoverable from a nonadmitted reinsurer may be allowed as assets of".

Amendment No. 23

On page 5, lines 46 and 47, of said bill, as amended, strike out "But the commissioner may disallow the admission of", and insert "With respect to reinsurance in nonadmitted reinsurers, the commissioner may disallow".

Amendment No. 24

On page 5, line 48, of said bill, as amended, strike out "918.4", and insert "922.4", and on page 5, line 49, strike out "7", and insert "6".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 978—An act to amend Sections 1730, 1731, 1732, and 1733 of, and to add Section 1734 to, the Insurance Code, relating to production agencies.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 3 to 28, inclusive, and on page 2, lines 1 to 8, inclusive, and insert

"1730. All funds received by any licensee as premium or return premium on or under any policy of insurance or bail bond are received by him as a fiduciary and, except as herein provided, such licensee shall not, without the express written consent of his principal, mingle any such funds with his own funds or with funds held by him in a capacity other than as licensee. If such funds are held in a separate account, such licensee may deposit therein the commission portion of premiums and other funds necessary to maintain a minimum balance or for the payment of premiums to insurers in advance of their collection. Such deposits may be made only if the amounts thereof

are ascertainable from the books of account and records of such licensee and shall not destroy the fiduciary nature of the premium or return premium funds held by him in such separate bank account.

Nothing herein contained shall require any such licensee to maintain more than one separate bank account for all such fiduciary funds held for all principals, if and so long as the funds so held for each principal in such separate bank account are ascertainable from the books of account and records of such licensee.

Any licensee who diverts or appropriates such fiduciary funds to his own use is guilty of theft and punishable for theft as provided by law."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 1285—An act to add Article 6.5 to Chapter 1, Part 1, Division 1, of the Insurance Code, relating to insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 20, of the printed bill as amended, after "exchanges", insert "and fraternal benefit societies".

Amendment No. 2

On page 3, line 15, of the printed bill as amended, after "any", insert "individual".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 1282—An act to repeal Sections 2071 and 2072 of, to add Sections 2071 and 7072 to, and to amend Sections 2073 and 2074 of, the Insurance Code, relating to insurance and the standard form fire insurance policy.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 88—An act to add Chapter 4 to Part 2, Division 8 of the Harbors and Navigation Code, relating to the power of a harbor improvement district to improve, develop or protect any harbor or harbors within the district.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 11, of the printed bill, after "chapter", insert "except that nothing in this chapter shall affect state-owned tidelands and submerged lands or the jurisdiction of the State Lands Commission over tidelands and submerged lands".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 675—An act to amend Section 28111 of the Government Code, relating to compensation for public service in counties of the eleventh class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 14, of the printed bill, strike out "by him while engaged in county", and insert "in the performance of the duties of his office."

Amendment No. 2

On page 1 of said bill, strike out lines 15 and 16.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1238—An act to amend Section 28128 of the Government Code and Section 428 of the Education Code, relating to compensation for public services in counties of the twenty-eighth class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 20, of the printed bill, after "capacity", insert ", and all actual and necessary traveling expenses when traveling on county business. The traveling expenses, exclusive of meals and hotel accommodations, shall not exceed six cents (\$0.06) per mile. Each supervisor shall furnish his own transportation in the performance of all his duties within the county."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 204—An act to add Sections 31553.5, 31645.5, and 31648.5 to the Government Code, relating to the membership in county retirement associations, and to the rights and privileges of members.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 755—An act to amend Sections 37103, 37426, 38742, 43069, and 43671 of the Government Code, relating to the organization, government, and powers of cities.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 869—An act to amend Section 1 of an act entitled "An act to provide a stenographer and typist for judges of the superior courts and providing for their salaries and the payment thereof," approved May 31, 1927, relating to superior court stenographers and secretaries.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 496—An act to amend Sections 608, 609, 613, 614, 616.2, 619, 620, and 620.5 of the Agricultural Code and to add Section 612.5, relating to cheese.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "616.2,".

Amendment No. 2

On page 2 of the printed bill, strike out lines 12 to 30, inclusive.

Amendment No. 3

On page 2, line 31, of said bill, strike out "6", and insert "5".

Amendment No. 4

On page 2, line 45, of said bill, strike out "7", and insert "6".

Amendment No. 5

On page 3, line 36, of said bill, strike out "8", and insert "7".

Amendment No. 6

On page 3, line 42, of said bill, strike out "9", and insert "8".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 893—An act to amend Sections 795.1 and 795.5 of the Agricultural Code, relating to standards for citrus fruits, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 3 of the printed bill, as amended, at the end of line 38, strike out the period and insert "or drying for any cause other than freezing."

Amendment No. 2

On page 3, lines 41 and 42, of said bill, as amended, strike out the words "or drying due to any cause except internal decline or sunburn", and insert a comma.

Amendment No. 3

On page 3, line 43, of said bill, as amended, after the word "tolerance", insert a comma.

Amendment No. 4

On page 3, line 43, of said bill, as amended, after the word "percent", insert a comma.

Amendment No. 5

On page 3, line 44, of said bill, as amended, strike out the words "dry or drying due to these causes", and insert "damage by freezing".

Amendment No. 6

On page 3, between lines 45 and 46, of said bill, as amended, insert "In no case may the total tolerance for serious defects in standard (3) exceed 10 percent."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 316—An act making an appropriation to the Department of Agriculture for the purpose of extending market news service.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 4, of the printed bill, after "culture", insert "in augmentation of Item 39 of the Budget Act of 1949 for support of said department".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 690—An act making an appropriation to the Department of Agriculture for the purpose of establishing and equipping a livestock and poultry diagnostic and testing laboratory at Petaluma.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 4, of the printed bill, after "establishing", insert ", purchasing site for, construction of,".

Amendment No. 2

On page 1, line 5, of said bill, after "try", insert "disease".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 271—An act to amend Sections 735.3, 736.1-1, and 736.3 of, and to add Section 735.10 to, the Agricultural Code, relating to fluid milk and fluid cream.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 353—An act to amend Section 21 of the Fish and Game Code, relating to powers and duties of the Fish and Game Commission.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1236—An act to repeal Section 24 of, and to add Sections 24 and 24.5 to, the Fish and Game Code, relating to seizure of illegal birds, mammals or fish.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 24 and 24.5", and insert "Section 24".

Amendment No. 2

On page 1 of said bill, strike out lines 8 to 28, inclusive, and insert "the commission, and notice of such seizure shall be given to persons who had possession of said birds, mammals, fish, mollusks or crustaceans, or any portion thereof, so seized in accordance with regulations adopted by the commission. Any seizure of birds, mammals, fish, mollusks or crustaceans made under circumstances wherein it cannot be determined who took, possessed, sold or transported it or them contrary to law may be sold or donated to a state or any charitable institution at the discretion of the commission.

All such birds, mammals, fish, mollusks, or crustaceans, or any part thereof, having a current market value of \$100 or more shall be packed, preserved or otherwise put to economical use immediately upon seizure, and the proceeds thereof shall

be paid to the State Treasury for the benefit of the Fish and Game Preservation Fund; provided, that if the person from whom such birds, mammals, fish, mollusks, or crustaceans are seized is not convicted in a court of competent jurisdiction for the offense out of which such seizure arose, then and in that event the said proceeds shall be returned to said person.

The judge or justice before whom any person is tried for taking, possessing, selling, or transporting birds, mammals, fish, mollusks, or crustaceans contrary to the laws of this State shall upon conviction of the accused make an order forfeiting and/or disposing of said birds, mammals, fish, mollusks or crustaceans in accordance with the provisions of this section, except that if said birds, mammals, fish, mollusks, or crustaceans, so seized may not be sold lawfully or have a current market value of less than \$100 the said judge or justice may at his discretion order that the same be donated to a state or any charitable institution or destroyed.

Any person purchasing said birds, mammals, fish, mollusks or crustaceans, or parts thereof, from the commission shall within thirty days after demand therefor pay to the commission for the benefit of the Fish and Game Preservation Fund the current market value for said birds, mammals, fish, mollusks or crustaceans computed as of the date of said purchase, and all such unpaid sums shall constitute a lien upon the birds, mammals, fish, mollusks and crustaceans so sold and so purchased, together with their packages."

Amendment No. 3

On page 2 of said bill, strike out lines 1 to 37, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

Senate Bill No. 742—An act to add Section 458.1 to the Fish and Game Code, relating to transportation of fish and game.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 458.1 to", and insert "amend Section 423 of, and to add Section 458.1 to,".

Amendment No. 2

On page 1 of said bill, strike out lines 1 through 5, and insert

"SECTION 1. Section 423 of the Fish and Game Code is amended to read:

423. The commission shall prepare suitable licenses of the following classes: Class A, "Hunting license"; Class B, "Sporting fishing license."

The form of both types of license shall be such as to incorporate detachable tags which shall serve as shipping permits when detached from the license. Shipping tags shall be nontransferable, and each tag shall entitle the holder of the hunting or sporting fishing license to which it is attached to ship by common carrier one legal daily possession limit of the type of fish or game specified thereon. Shipping tags shall be in such form and number as the commission may prescribe but shall be sufficient to allow each licensee during the license year to ship, with regard to a hunting license, not less than two legal daily possession limits of doves, two legal daily possession limits of quail, and one legal daily possession limit of pheasants, and to ship, with regard to a sporting fishing license, not less than three legal daily possession limits of trout.

SEC. 2. Section 458.5 is added to said code, to read:

458.1. It shall be unlawful after January 1, 1950, for any common carrier or the agent thereof to ship or accept for shipment or for any person to offer for shipment by common carrier any fish or game for which shipping tags are provided with hunting or sporting fishing licenses by rule or regulation of the commission or by law pursuant to Section 423 of this code unless accompanied by an appropriate shipping tag."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1676—An act to amend Section 5016 of the Public Resources Code, relating to the exchange of land within Anza Desert State Park Project.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1266—An act to add Section 31676.1 to the Government Code, relating to service retirement of county employees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, after the word "Section", add an "s" and "31454.5."

Amendment No. 2

In line 1 of the title of said bill, strike out the word "to", and insert a comma and "31676.2, 31676.3, 31676.4, 31676.5, and 31676.6, to, and to amend Section 31627 of."

Amendment No. 3

On page 1, line 1, of said bill, after the word and figure "SECTION 1", add "Section 31454.5 is added to the Government Code, to read:

31454.5. In any county subject to the provisions of Section 31676.1 the board of supervisors may make an additional appropriation sufficient to fund over a period of 30 years any deficit which may result to the system because of the adoption of Section 31676.1. The board of supervisors may make such additional appropriation whether recommended by the board or not and is not required to make such additional appropriation even if such additional appropriation is recommended by the board.

SEC. 2. Section 31627 of the Government is amended to read:

31627. Subject to the regulations prescribed by the board, any member *who is not subject to the provisions of Section 31676.1* may elect to make additional contributions at rates in excess of his normal contributions, for the purpose of providing additional benefits. The exercise of this privilege by a member does not require the county or district to make any additional contributions. Upon application, the board shall furnish to the member information concerning the nature and amount of additional benefits to be obtained by the additional contributions.

SEC. 3."

Amendment No. 4

On page 2, line 2, of said bill, after the word "Retirement", add a comma and "but in no event shall the total retirement allowance exceed one-half of the member's final compensation".

Amendment No. 5

On page 2, between lines 31 and 32, of said bill, add "Contributions shall not be made by members having credit for 30 years of continuous service".

Amendment No. 6

On page 2 of said bill, following line 35, add

"SEC. 4. Section 31676.2 is added to the Government Code, to read:

31676.2. When the compensation of a member subject to the provisions of Section 31676.1 is a factor in any computation to be made under this chapter, there shall be excluded from such computation, for any period of county service prior to the first day of the first month next succeeding the ninetieth day after the final adjournment of the 1949 Regular Session of the Legislature, any compensation earned since the establishment of the retirement system in such county upon which compensation the member has not paid contributions into the retirement fund because of the provisions of Sections 31383 or 31624, unless, prior to July 1, 1950 such member shall elect, by written notice filed with the board, to pay into the retirement fund, by lump-sum payment or by pay roll deductions over a period not exceeding thirty-six months and prior to effective date of his retirement, and thereafter pays into the retirement fund within the period specified, (1) such additional amount as he would have contributed as a part of his normal contributions, assuming the entire compensation earnable by him was subject to normal contributions during the entire period of his membership in the system since its establishment in such county; and (2) an amount equal to the additional interest which would have been credited to his account under such assumption. At the time of filing the notice of election, as herein provided, any such member may elect to apply toward the additional amount payable by him pursuant

to such election, any additional accumulated contributions with which he is entitled to be credited.

The entire compensation of a member shall be included in any computation to be made under Section 31676.1 for any period of county service on and after the first day of the first month next succeeding the ninetieth day after the final adjournment of the 1949 Regular Session of the Legislature. If a member subject to the provisions of Section 31676.1 makes the election and payment as provided in this section, his entire compensation shall be included in any computation to be made under this chapter for the entire period of service with which he is entitled to be credited at retirement.

SEC. 5. Section 31676.3 is added to the Government Code, to read:

31676.3. A member shall receive no credit for prior service subsequent to June 30, 1921, in calculating a retirement allowance pursuant to Section 31676.1 unless, within ninety days after the effective date of this section, he files with the board his written election to pay into the retirement fund six dollars (\$6) for each month of prior service subsequent to June 30, 1921, for which he claims credit, and unless he makes such payments as provided in this article.

SEC. 6. Section 31676.4 is added to the Government Code, to read:

31676.4. If a member in a system subject to the provisions of Section 31676.1 who has any accumulated additional contributions to his credit, whether made pursuant to Section 31504 or Section 31627, or both, within ninety days of the effective date of this section files a written election with the board not to come under Section 31676.1, then Sections 31676.1, 31676.2, 31676.3, 31676.5, 31676.6 and this section shall not apply to such member and he shall be entitled upon retirement to his service retirement annuity, his current service pension and his prior service pension, if any, as if this section and Sections 31676.1, 31676.2, 31676.3, 31676.5, and 31676.6 had not been added to this chapter.

SEC. 7. Section 31676.5 is added to the Government Code, to read:

31676.5. If a member files an election pursuant to Section 31676.3 and does not file an election pursuant to Section 31676.4, all accumulated additional contributions shall be applied to any payments due in order to obtain credit for prior service subsequent to June 30, 1921. If the accumulated additional contributions exceed the amount necessary to make such payments, the treasurer shall refund the balance to such member. If the member does not claim credit for any prior service subsequent to June 30, 1921, the treasurer shall refund to him all of his accumulated additional contributions.

SEC. 8. Section 31676.6 is added to the Government Code, to read:

31676.6. If a member files an election pursuant to Section 31676.3 and does not file an election pursuant to Section 31676.4, and either he has no accumulated additional contributions to his credit or the accumulated contributions to his credit are less than payments due for credit for prior service subsequent to June 30, 1921, the amount due or balance thereof shall be paid by additional salary deductions in the amounts specified by the member but in no case less than six dollars (\$6) per month. The total amount due shall be paid prior to the effective date of his retirement."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 843—An act to amend Sections 470 and 474 of the Agricultural Code, relating to milk and cream.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 9 and 10, and insert "or goat to 50 degrees Fahrenheit or less and maintained in transit at not to exceed the following temperatures upon arrival at the milk products plant, viz. 52 degrees Fahrenheit if transported by tanker, 60 degrees Fahrenheit if transported in cans; provided, however,".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1945—An act to amend Section 600 of the Agricultural Code, relating to scoring of butter.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, after line 4, add

"The adoption, repeal or rescission of any regulation referred to in this section shall be in accordance with the provisions of Article 4, Chapter 4, Part 1, Division 3, Title 2 of the Government Code."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 842—An act to amend Section 500 of the Agricultural Code, relating to milk and milk products inspection.

Bill read second time, and ordered to third reading.

Assembly Bill No. 844—An act to amend Sections 260, 260.2, and 261.4 of the Agricultural Code, relating to bovine brucellosis.

Bill read second time, and ordered to third reading.

Assembly Bill No. 845—An act to amend Section 617 of the Agricultural Code, relating to cheese and cheese products.

Bill read second time, and ordered to third reading.

Assembly Bill No. 846—An act to amend Section 681 of the Agricultural Code, relating to license for testers and pasteurizers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1015—An act to amend Section 92 of the Fish and Game Code, relating to District 22.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, lines 18 and 19, of the printed bill, strike out "discharge a firearm within one-quarter", and insert "take legal game within one-eighth".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

**THIRD READING OF SENATE BILLS
REQUEST FOR UNANIMOUS CONSENT**

Senator Regan asked for, and was granted, unanimous consent to have Senate Joint Resolution No. 26 passed on file and retain its place on file until the next legislative day.

Senate Bill No. 320—An act to repeal Sections 6309 and 6360 of the Education Code, and to amend Sections 6301, 6302, 6303, 6304, 6305, 6306, and 6361 of said code, relating to school district budgets.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Mayo,

Miller, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1081—An act to amend Sections 28478, 28479, and 28480 of the Health and Safety Code, relating to olive oil.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Collier, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Hulse, Johnson, Mayo, McBride, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1526—An act authorizing the gift of certain real property in Tuolumne County which is not required for existing state functions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Mayo, McBride, Miller, Powers, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1528—An act authorizing the sale of certain real property in the County of Madera not required for existing state functions and providing for the disposition of the proceeds of such sale.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Drobish, Hulse, Jespersen, Johnson, Mayo, McBride, Miller, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1534—An act to add Sections 13370.1 and 13370.2 to the Government Code, relating to the control of specifications for bids.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Drobish, Hulse, Jespersen, Johnson, McBride, Miller, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 635—An act to repeal "An act in relation to the act of Congress known as the Carey Act, and all acts amendatory thereof and supplemental thereto, and giving authority to a commission in the investigation, selection, reclamation, control and disposal

of all lands granted the State under the provisions thereof," approved June 4, 1915.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drohish, Jespersen, Johnson, McBride, Miller, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1393—An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the County of Monterey, State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drohish, Hulse, Jespersen, Johnson, McBride, Miller, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, Weybret, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Bill No. 3107, at this time, for consideration, out of order.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 3107—An act authorizing the Director of Finance to acquire real property in the City of Long Beach, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 3107:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, MARCH 29, 1949

*To the Honorable Members of the Senate
Sacramento, California*

GENTLEMEN:

Assembly Bill No. 3107, "An act authorizing the Director of Finance to acquire real property in the City of Long Beach, declaring the urgency thereof, to take effect immediately,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

This bill permits money already appropriated to be expended for a new purpose. It permits the Director of Finance, with the approval of the Adjutant General, to acquire real property in the City of Long Beach for the use of the Adjutant General and the National Guard. It is necessary that this property be acquired at once in order to secure the benefit of a federal contribution for the construction of a stores depot in the City of Long Beach.

I therefore recommend consideration of Assembly Bill No. 3107 as an emergency measure.

Respectfully submitted,

EARL WARREN, Governor

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Tenney moved a call of the Senate.

Motion carried. Time 2.26 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE
CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1527—An act authorizing the grant, without cost of certain real property, in the City of Porterville, not required for existing state functions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Miller, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 2.30 p.m., on motion of Senator Tenney, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 3107 adopted by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, McBride, Miller, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, McBride, Miller, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Speaker Pro Tempore of the Senate Presiding

At 2.30 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Senate Bill No. 823 was taken up.

Senate Bill No. 823—An act to amend Section 31 of the State Water Resources Act of 1945, relating to the construction of a multiple purpose dam in the vicinity of Table Mountain.

Bill read third time.

Previous Question

Senator Swing moved the previous question.

Motion carried.

The question being on the final passage of Senate Bill No. 823.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Crittenden, Cunningham, Gibson, Rich, Sutton, and Williams—6.

NOES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, and Weybret—31.

CONSIDERATION OF SPECIAL ORDER

The hour of 2.45 p.m. having arrived, the motion to reconsider the vote whereby Assembly Bill No. 63 was passed, was taken up.

Assembly Bill No. 63—An act to amend Section 19.6 of the Fish and Game Code, relating to the Fish and Game Commission and extending the period during which its general regulatory powers shall continue in existence.

Motion to Reconsider Waived

Senator Desmond waived his motion to reconsider the vote whereby Assembly Bill No. 63 was passed.

Assembly Bill No. 63 ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1542—An act to authorize the sale of a part of the property used by the Napa State Hospital and to provide for the disposition of the proceeds from such sale.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator McBride:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to repeal Chapter 5 of Division 1, consisting of Sections 50 to 59.5, inclusive, of the Fish and Game Code, relating to game management.

Respectfully submitted,

SENATOR MCBRIDE

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 14, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Fish and Game.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Tenney, Watson, Weybret, and Williams—32.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1621: By Senator McBride—An act to repeal Chapter 5 of Division 1, consisting of Sections 50 to 59.5, inclusive, of the Fish and Game Code, relating to game management.

Referred to Committee on Fish and Game.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 1543—An act to authorize the sale of a part of the property used by the Sonoma State Home and to provide for the disposition of the proceeds from such sale.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Tenney, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 596—An act to amend Section 526 and to repeal Section 252 of the Streets and Highways Code, relating to state highway routes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish,

Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Watson, Weybret, and Williams—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1277—An act adding Section 12.5 to the State Aeronautics Commission Act, relating to the operation of helicopters and similar aircraft.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Keating, Mayo, McBride, Miller, Powers, Rich, Salsman, Sutton, Tenney, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 315—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds of public bodies.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Keating, Mayo, Miller, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 388—An act to amend Section 483 of the Vehicle Code, relating to striking an unattended vehicle.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Desmond, Dillinger, Gibson, Hulse, Jespersen, Keating, Mayo, Miller, Powers, Salsman, Sutton, Watson, Weybret, and Williams—21.

NOES—Senators Cunningham, Donnelly, Dorsey, and Tenney—4.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Senate Bill No. 1460—An act to add Section 19b to the Penal Code, relating to prisoners, authorizing county sheriffs to transfer prisoners in county jails to industrial road camps.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Gibson, Hulse, Jespersen, Keating, Mayo, Miller, Powers, Rich, Salsman, Sutton, Watson, and Williams—23.

NOES—Senator Tenney—1.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 442—An act to add Section 512.6 to the Vehicle Code, relating to speed limits.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Mayo, Miller, Powers, Rich, Salsman, Sutton, Watson, and Williams—24.

NOES—Senator Donnelly—1.

Bill ordered transmitted to the Assembly.

Senator Mayo Presiding

At 5.17 p.m., Senator Jesse M. Mayo of the Twenty-sixth District, presiding.

Assembly Bill No. 1605—An act to amend Section 189 of the Code of Civil Procedure, relating to destruction of court records.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Gibson, Hulse, Jespersen, Johnson, Keating, Mayo, Miller, Powers, Rich, Salsman, Sutton, Tenney, Watson, Weybret, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2424—An act to amend Section 1331 of the Streets and Highways Code, relating to the county road commissioner.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Gibson, Hulse, Johnson, Keating, Mayo, Miller, Powers, Rich, Salsman, Sutton, Tenney, Watson, Weybret, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 1076

Senator Desmond moved that Senate Bill No. 1076 be withdrawn from Committee on Social Welfare and referred to Committee on Revenue and Taxation.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1155

Senator Miller moved that Senate Bill No. 1155 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1155—An act to authorize the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds for the single object of creating a fund to provide for community redevelopment and housing incidental thereto and to supplement loans

and grants from the Federal Government, and to assist in the replacement of temporary war housing with permanent housing, defining the powers of certain state officers in relation thereto, providing for the expense of preparing and advertising the sale of such bonds, and providing for the submission of this act to the vote of the people.

Bill read second time.

Motion to Amend

Senator Miller moved the adoption of the following amendments:

Amendment No. 1

In lines 5, 6, and 7 of the title of the printed bill, strike out "and to supplement loans and grants from the Federal Government, and to assist in the replacement of temporary war housing with permanent housing".

Amendment No. 1.5

On page 1 of said bill, strike out lines 4 and 5, and insert "Redevelopment Agency; "housing fund" means the Community Redevelopment Fund."

Amendment No. 2

On page 1 of said bill, strike out lines 6 to 13, inclusive, and insert

"SEC. 3. The purpose of this act is to provide for the creation of a fund to provide loans to local communities and redevelopment agencies pursuant to the provisions of acts enacted at the 1949 Regular Session relating to community redevelopment and housing incidental thereto for terms not exceeding fifty years.

No loans shall be made from funds secured through the sale of bonds pursuant to the provisions of this act unless the amounts of such loans are matched by like or greater amounts from sources other than the housing fund.

The agency is authorized to".

Amendment No. 3

On page 2 of said bill, strike out line 6, and insert "exceed twenty-five million dollars (\$25,000,000) and shall bear interest at".

Amendment No. 4

On page 4, line 25, of said bill, after "fund", insert ", hereby created,".

Amendment No. 5

On page 4, line 29, of said bill, strike out "Community Redevelopment Fund", and insert "housing fund".

Amendment No. 6

On page 4, lines 45 and 46, of said bill, strike out "Housing Fund" and insert "housing fund".

Amendment No. 7

On page 5, line 46, of said bill, strike out "Community Redevelopment Fund" and insert "housing fund".

Amendment No. 8

On page 6 of said bill, strike out line 9, and insert "effect on the fifteenth day of November, 1950, as to all its".

Amendment No. 9

On page 6 of said bill, strike out lines 15 and 16, and insert "State of California for their ratification at the general election, to be held in the month of November, 1950, and all ballots at said".

Amendment No. 10

On page 6 of said bill, strike out lines 18 and 19, and insert "words: "For the Community Redevelopment Bond Act," and in the same square immediately below said words, in brevier type shall be printed "This act provides for a bond issue of twenty-five million dollars (\$25,000,000) to be used by the State Redevelopment Agency for community redevelopment and housing incidental thereto." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the Community Redevelopment Bond Act," and in the same square immediately below said words in brevier type shall be printed, "This act provides for a bond issue of twenty-five million dollars (\$25,000,000) to be used by the State Redevelopment Agency for community redevelopment and housing incidental thereto." Opposite the words "For the Community Redevelopment Bond Act" and "Against the Community Redevelopment Bond Act", there shall be left spaces in which the voters may place a cross in the manner required by law to

indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the Community Redevelopment Bond Act" and those voting against the said act shall do so by placing a cross opposite the words "Against the Community Redevelopment Bond Act." Provided, that where the voting of said general election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this State shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election."

Amendment No. 11

On page 6 of said bill, strike out lines 35 and 36, and insert "preceding the general election to be held in the month of November, 1950, the costs of publication shall be paid out".

Amendment No. 12

On page 6, line 39, of said bill, strike out "Community Redevelopment Fund", and insert "housing fund".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1145

Senator Miller moved that Senate Bill No. 1145 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1145—An act to provide for housing, prescribing the powers and duties of the State Redevelopment Agency in connection with the emergency housing shortage and community redevelopment, authorizing the issuance and sale of revenue bonds payable from net revenues from housing projects under this act, and making an appropriation.

Bill read second time.

Motion to Amend

Senator Miller moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 18, of the printed bill, strike out "agency", and insert "agencies".

Amendment No. 2

On page 2, line 1, of said bill, strike out "-----", and insert "fifty".

Amendment No. 3

On page 2, line 8, of said bill, strike out "-----", and insert "four".

Amendment No. 4

On page 2, lines 24 and 25, of said bill, strike out "----- dollars (\$-----)", and insert "one hundred thousand dollars (\$100,000)".

Amendment No. 5

On page 2, line 26, of said bill, strike out the period and insert "and to be used as a revolving fund."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1157

Senator Miller moved that Senate Bill No. 1157 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1157—An act to add Sections 3.5 and 3.6 to the Housing Authorities Law, providing for the coordination of local housing plans incidental to community redevelopment and replacement of temporary war housing, by the State Housing Authority and prescribing the powers and duties of said authority, and expanding said act to include housing for veterans and families of veterans.

Bill read second time.

Motion to Amend

Senator Miller moved the adoption of the following amendment:

Amendment No. 1

In line 4 of the title of the printed bill, strike out "State Housing Authority", and insert "State Redevelopment Agency".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1160

Senator Miller moved that Senate Bill No. 1160 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1160—An act relating to state redevelopment and housing, and making an appropriation therefor.

Bill read second time.

Motion to Amend

Senator Miller moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 1, of the printed bill, strike out the blank, and insert "five million".

Amendment No. 2

On page 1, line 2, of said bill, strike out the blank, and insert "5,000,000".

Amendment No. 3

On page 1 of said bill, strike out lines 4 and 5, and insert "State Redevelopment Agency, to be loaned to local public agencies at an interest rate of ____ percent per annum for any and all of the following purposes:".

Amendment No. 4

On page 1 of said bill, strike out lines 13 to 15, inclusive.

Amendment No. 5

On page 1, line 16, of said bill, strike out "(5)", and insert "(4)".

Amendment No. 6

On page 1, line 17, of said bill, strike out "(6)", and insert "(5)".

Amendment No. 7

On page 1 of said bill, after line 18, insert

"SEC. 2. No loan shall be made under this act in excess of one-half of the total amount necessary for the purpose for which the loan is made.

SEC. 3. No loan shall be made under this act for a period greater than fifty years."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

WITHDRAWAL FROM COMMITTEE OF SENATE CONSTITUTIONAL AMENDMENT NO. 20

Senator Miller moved that Senate Constitutional Amendment No. 20 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article XXV to said Constitution, relating to housing and community redevelopment.

Resolution read.

Motion to Amend

Senator Miller moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed measure, strike out "XXV", and insert "XXVII".

Amendment No. 2

On page 1, line 6, of said measure, strike out "XXV", and insert "XXVII".

Amendment No. 2.5

On page 1, line 9, of said measure, strike out "XXV", and insert "XXVII".

Amendment No. 3

On page 2, line 18, of said measure, strike out "----- dollars (\$-----)" and insert "twenty-five million dollars (\$25,000,000)".

Amendment No. 4

On page 2, line 30, of said measure, strike out "----- dollars (\$-----)" and insert "five hundred thousand dollars (\$500,000)".

Amendment No. 5

On page 2, line 33, of said measure, strike out "----- dollars (\$-----)" and insert "one million dollars (\$1,000,000)".

Amendments read, and adopted.

Resolution ordered printed, and re-referred to Committee on Governmental Efficiency.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1261

Senator Miller moved that Senate Bill No. 1261 be withdrawn from Committee on Judiciary for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1261—An act to amend Section 6b of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read second time.

Motion to Amend

Senator Miller moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "dollars (\$400) ——— dol
lars (\$————)", and insert "five hundred dollars (\$500)".

Amendment No. 2

On page 2, of said bill, strike out lines 1 to 5, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1262

Senator Miller moved that Senate Bill No. 1262 be withdrawn from Committee on Judiciary for purpose of amendment and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1262—An act to add Section 274e to the Code of Civil Procedure, relating to phonographic reporters for certain municipal courts; fees.

Bill read second time.

Motion to Amend

Senator Miller moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 17, of the printed bill, strike out "any other law or laws", and after the word "by" insert "Political Code Section 4300 l".

Amendment No. 2

On page 2, line 9, of said bill, strike out the word "salary", and insert "general".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 44

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 160
Assembly Bill No. 390
Assembly Bill No. 627
Assembly Bill No. 949
Assembly Bill No. 1197
Assembly Bill No. 1198
Assembly Bill No. 1199
Assembly Bill No. 1635
Assembly Bill No. 1683
Assembly Bill No. 1976
Assembly Bill No. 2002
Assembly Bill No. 2003
Assembly Bill No. 2025
Assembly Bill No. 2026
Assembly Bill No. 2043
Assembly Bill No. 2052
Assembly Bill No. 2056

Assembly Bill No. 2057
Assembly Bill No. 2058
Assembly Bill No. 2063
Assembly Bill No. 2064
Assembly Bill No. 2065
Assembly Bill No. 2244
Assembly Bill No. 2450
Assembly Bill No. 2602
Assembly Bill No. 2603
Assembly Bill No. 2604
Assembly Bill No. 2605
Assembly Bill No. 2651
Assembly Bill No. 2666
Assembly Bill No. 2849
Assembly Bill No. 3035
Assembly Bill No. 3086

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 35

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 160—An act to add Section 1197.5 to the Labor Code, relating to the prohibition of discrimination on the basis of sex by employers in the payment of wages or salaries.

Referred to Committee on Labor.

Assembly Bill No. 390—An act to amend Sections 704 and 705 of the Vehicle Code, relating to axle loading and spacing.

Referred to Committee on Transportation.

Assembly Bill No. 627—An act to add Section 599.6 to the Vehicle Code, relating to installation of television receiving screen in motor vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 949—An act to add Section 1197.5 to the Labor Code, relating to wages.

Referred to Committee on Labor.

Assembly Bill No. 1197—An act to add Section 2512 to the Revenue and Taxation Code, relating to the time of payments due taxing agencies.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1198—An act to amend Sections 2605, 2701, 2801, 2803, 2917, 4151, and 4152 of the Revenue and Taxation Code, relating to due dates of installment payments on the secured tax roll, payment on a portion of a parcel and to collection on unsecured roll.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1199—An act to amend Sections 534 and 2922 of the Revenue and Taxation Code, relating to penalty on delinquent taxes on secured and unsecured tax roll.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1635—An act to amend Sections 44 and 44.1 of the Vehicle Code, relating to authorized emergency vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1683—An act to amend Section 6.11 of the Alcoholic Beverage Control Act, relating to organizations, associations and clubs, and providing for the issuance of on-sale general licenses thereto.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1976—An act to amend Sections 2611 and 4992 of, add Section 3731 to, and repeal Sections 3637 and 4101.5 of the Revenue and Taxation Code, relating to the collection of taxes generally.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2002—An act to amend Sections 3351 and 3439 of the Revenue and Taxation Code, relating to real property taxation.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2003—An act to amend Sections 4371, 4372, 4373, and 4374 of the Revenue and Taxation Code, relating to real property taxation.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2025—An act to amend Sections 3442 and 3807.5 of the Revenue and Taxation Code, relating to real property taxation and the termination of the right of redemption of tax-deeded property reconveyed to the State of California.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2026—An act to add Chapter 3.3, comprising Sections 2851 to 2862, inclusive, to Division 1, Part 5 of the Revenue and Taxation Code, relating to the collection of taxes on real property.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2043—An act to amend Section 18950 of the Government Code, relating to promotional eligible lists.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2052—An act to amend Section 19142 of the Government Code, and to add Section 19369, relating to transfers of state employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2056—An act to amend Sections 18023, 18575, 18700, 18709, 18805, and 18806, of the Government Code, and repeal Section 19366 of said code, relating to state civil service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2057—An act to amend Section 19251 of the Government Code, relating to incompatible employment of state employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2058—An act to amend Section 19368 of the Government Code, relating to rights of state employees, replaced by machinery.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2063—An act to amend Section 18803 of the Government Code, relating to the reclassification of state employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2064—An act to amend Section 18850 of the Government Code, relating to the adjustment of salary ranges in the state civil service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2065—An act to amend Section 18901 of the Government Code, relating to duration of civil service eligible lists.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2244—An act to amend Section 14797 of the Revenue and Taxation Code, relating to the commissions payable for inheritance tax collections.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2450—An act to amend Section 592.1 of the Vehicle Code, relating to stopping, standing, or parking of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2602—An act to amend Section 3513 of the Revenue and Taxation Code, relating to the contents of deed.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2603—An act to amend Sections 3353, 3354, 3355, 3358, 3359, 3511, 4653, and to repeal Chapter 3 of Part 6, consisting of Sections 3476, 3477, 3478, 3479, 3480, and 3481, and Sections 3490, 3491, 3492, 3493, 4654, of the Revenue and Taxation Code, relating to the sale and deeding of tax-sold property.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2604—An act to amend Sections 4916 and 4925 of; and add Section 5097.1 to the Revenue and Taxation Code, relating to the refund of duplicate and excess tax payments.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2605—An act to amend Sections 4653, 4653.1, to repeal Section 4655 and to add Chapter 1.3 to Part 8, Division 1, consisting of Sections 4670, 4671, 4672, and 4673 to the Revenue and Taxation Code, relating to distribution of proceeds from sale of tax-deeded property.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2651—An act to amend Sections 18523, 18801, and 19052 of the Government Code and to add Sections 18523.5, 18802.5, and 19052.5 to said code, relating to classes and grades in the state civil service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2666—An act to amend Section 301 of, and to add Sections 318.1, 318.2, 318.3 and 318.4 to, the Agricultural Code, relating to meat inspection.

Referred to Committee on Agriculture.

Assembly Bill No. 2849—An act to add Section 6404 to the Revenue and Taxation Code, relating to exemption of livestock from the use tax.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 3035—An act to add Section 3522 to the Revenue and Taxation Code, relating to deeds to the State for taxes.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 3036—An act to add Section 1197.5 to the Labor Code, relating to wages for women.

Referred to Committee on Labor.

Assembly Joint Resolution No. 35—Relative to the establishment of an open hunting season on wild pigeons.

Referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 2146

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

SUTTON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 1203

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

SUTTON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Military and Veteran Affairs, to which was referred:

Assembly Bill No. 188

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

SUTTON, Chairman

Above reported bill ordered to second reading.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which were referred:

Senate Bill No. 901

Senate Bill No. 906

Senate Bill No. 1545

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

DILLINGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Senate Bill No. 386

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

DILLINGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which were referred:

Senate Bill No. 903

Senate Bill No. 913

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

DILLINGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Senate Bill No. 389

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; noes 2.

DILLINGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:
Senate Bill No. 833

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

DILLINGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which were referred:

Senate Bill No. 902

Senate Bill No. 937

Senate Bill No. 924

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

DILLINGER, Chairman

Above reported bills ordered to second reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Labor, to which were referred:

Assembly Bill No. 724

Assembly Bill No. 901

Assembly Bill No. 159

Assembly Bill No. 379

Assembly Bill No. 123

Assembly Bill No. 764

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 7.

JUDAH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Senate Bill No. 1431

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 7; committee vote: Ayes 5; noes 2.

JUDAH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Senate Bill No. 1001

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 7; committee vote: Ayes 4; noes 3.

JUDAH, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 1357

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 1246

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 11

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 4.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 218

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Joint Resolution No. 22- Relative to memorializing the President, Secretary of State, and Congress of the United States and condemning the Communist persecution of Cardinal Mindszenty and other Roman Catholic prelates in Hungary, the espionage trial of Protestant pastors in Bulgaria and the persecution of religion in all Communist-dominated countries behind the iron curtain;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the fourteenth day of April, 1949, at 4 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 750—An act to add Title 4 and Sections 500041 to 500045, inclusive, to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government, and to repeal acts and parts of acts specified therein;

And reports that the same has been correctly enrolled, and presented to the Governor on the fourteenth day of April, 1949, at 4 p.m.

POWERS, Chairman

ADJOURNMENT

At 5.30 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 9.30 a.m., Friday, April 15, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTY-FIRST LEGISLATIVE DAY

ONE HUNDRED THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, April 15, 1949

The Senate met at 9.30 a.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Buseh, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Johnson, Judah, Keating, McBride, Miller, Powers, Rich, Salmon, Sutton, Swing, Tenney, Watson, and Weybret—29.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Mayo, on motion of Senator Collier, due to legislative business.

Senator Williams, on motion of Senator Collier, due to legislative business.

Senator Kraft, on motion of Senator Collier, due to legislative business.

Senator Parkman, on motion of Senator Collier, due to legislative business.

Senator Regan, on motion of Senator Collier, due to legislative business.

Senator O'Gara, on motion of Senator Collier, due to legislative business.

Senator Ward, on motion of Senator Collier, due to legislative business.

Senator Gibson, on motion of Senator Powers, due to legislative business.

Senator Dilworth, on motion of Senator Powers, due to legislative business.

Senator Drobish, on motion of Senator Powers, due to legislative business.

Senator Hulse, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Fenley, Scoutmaster; Lawrence Bradley, driver; Ronnie Jewell, Junior Assistant Scoutmaster; Jack Peters, Senior Patrol leader; Bob Engel, troop scribe; Kenny Lloyd, quartermaster; Ronald Reagan, Bill Peters, Barry Burkhalter, patrol leaders; and the following members of Boy Scout Troop No. 259 of Bishop: Frank Hill, Ronnie Watkins, Bobby Boyer, Scotty Harn, Dick Jones, Jerry Heinsen, Bob Watkins, Dewey Kiner, John Fischer, Leon Bryant, Jack Mahoney, Robert Marcellin, Roy Falconer, Donald Johnson, Bob Kinmont, Joe Warlie, Lee Shirley, Billy Cook, Jimmy Meckel, Dick Kelso, Bill Flaxa, Lyle Bundy, Elmore Salisbury, Tommy Brooks, Larry Laphan, Curtis Peeler, Delbert Tucker, Norman Rollins, Charles Handzel, Glen Singleton, Joe Faulkner, Jimmy Gunter, David Rudolph, Raymond Rudolph, Bobby Summers, Richard Blackmore, Billy Greenlee, Eddie Summers, and Joe Grosshadt, Senior Scouts; Sid Wentworth, Clive Chapin, Ralph Clarke, and Harry Wentworth.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Loyd Wright and Al Fiske of Los Angeles.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Marian E. Dorsey and Miss Dorothy Mays of Bakersfield.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dan H. Reese of El Dorado County.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 204

Senate Bill No. 755

Senate Bill No. 249

Senate Bill No. 869

Senate Bill No. 271

Senate Bill No. 1282

Senate Bill No. 353

Senate Joint Resolution No. 27

And reports the same correctly engrossed.

POWERS, Chairman

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 901—An act to amend the title and Section 3 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, following line 9, of the printed bill, insert

"SEC. 3. The Department of Employment is hereby authorized to continue to use any of its present printed or duplicated material in which this act is cited as the 'Unemployment Insurance Act' until reprinting is necessary for other reasons, but wherever the words 'Unemployment Insurance Act' appear in such material, they shall mean the Employment Stabilization Act."

Amendment No. 2

On page 1, line 4, of the printed bill, strike out "and disabil-".

Amendment No. 3

On page 1, line 5, of the printed bill, strike out "ity insurance".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 906—An act to add Section 36 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 15, of the printed bill, strike out "is hereby authorized", and insert "shall".

Amendment No. 2

On page 1, line 16, of said bill, strike out "to".

Amendment No. 3

On page 1, line 17, of said bill, after "incurred", insert "by reason of services by any of its officers or employees to the Department of Employment".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1545—An act to repeal Section 1620 of the Welfare and Institutions Code, relating to the inspection and licensing of boarding homes, day nurseries and schools.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

In the first line of the title of the printed bill, strike out "repeal", and insert "amend".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 and 2, inclusive, and insert

"SECTION 1. Section 1620 of the Welfare and Institutions Code is amended to read:

1620. No person, association, or corporation shall, without first having obtained a written license or permit therefor from the State Department of Social Welfare or from an inspection service approved or accredited by the department:

(a) Maintain or conduct any institution, boarding home, day nursery, [school other than a school conducted by an established religious organization,] or other place for the reception, or care, [or education] of children under sixteen years of age, nor engage in the business of receiving or caring for such children, nor receive nor care for any such child in the absence of its parents or guardian, either with or without compensation.

(b) Engage in the finding of homes for children under sixteen years of age, or place any such child in any home or other place, either for temporary or permanent care or for adoption.

The provisions of subdivision (a) do not apply to any hospital or establishment holding a license in good standing issued under the provisions of Chapter 2 or Chapter 3 of Division 2 of the Health and Safety Code. However, where a hospital or establishment holding such a license from the State Department of Public Health provides services not incidental to its primary purpose, the provisions of subdivision (a) continue to apply to the hospital or establishment in respect to such additional services."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 386—An act to amend Sections 451, 452, 455.7, 456, 459, and 460 of the Unemployment Insurance Act, relating to unemployment compensation disability insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 903—An act to add Section 4 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 913—An act to amend Section 42 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 389—An act to add Section 452.5 to the Unemployment Insurance Act, relating to unemployment compensation disability insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 833—An act to amend Section 207 of the Unemployment Insurance Act, relating to unemployment compensation disability benefits.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

In the first line of the title of the printed bill, strike out "207 of", and insert "252 of, and add Section 400.1 to".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "207", and insert "252".

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, strike out lines 3 to 26, inclusive, and on page 2, strike out lines 1 to 36, inclusive, and insert

"Sec. 252. The commission shall require for each uninterrupted period of disability that the first claim for unemployment compensation disability benefits be supported by the certificate of a physician as defined in Section 3209.3 of the Labor Code, other than an optometrist, or the certificate of a dentist or chiropodist duly licensed by California state law, acting within the scope of his practice, stating the medical facts within his knowledge, his conclusion with respect to the disability of the claimant and his opinion with respect to probable duration thereof; provided, *that the claim of any eligible individual who obtains care and treatment outside this State may pursuant to authorized regulations be supported by a like certificate of a similar licensee of the state in which the claimant is receiving care and treatment; and provided further, that with respect to any eligible claimant who is hospitalized in or under the care of any medical facility of the United States Government, a certificate as to such individual's disability signed by any duly authorized medical officer of such facility shall satisfy the requirements of this section.* [If any individual in good faith adheres to the teachings of any bona fide church, sect, denomination or organization and in accordance with its principles depends for healing entirely upon prayer or spiritual means, no medical examination shall be required, but in lieu thereof the commission may accept the certificate of a duly authorized and accredited practitioner of such bona fide church, sect, denomination or organization as to the disability of the claimant and the estimated duration of such disability, and no authorized regulation prescribing the manner of proof of illness or injury shall discriminate against such individual.]

SEC. 2. Section 400.1 is added to the Unemployment Insurance Act, to read:

Sec. 400.1. Anything in this act to the contrary notwithstanding, any individual who adheres to the faith or teaching of any bona fide religious sect, denomination, or

organization, and in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion, upon filing with the department and with each of his employers a statement, in such form as may be prescribed by the commission, stating such adherence and dependence and disclaiming any benefits under Article 10 of this act, shall be exempt from contributions under this act in respect to any wages paid to him by any such employer in the calendar quarter in which such statement is filed and in all subsequent calendar quarters while such statement is in effect, and shall be ineligible to receive benefits under the provisions of Article 10 which would otherwise be based upon such wages."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 902—An act to amend Section 1 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 3, line 39, of the printed bill, strike out "temporary", and insert "a limited period of".

Amendment No. 2

On page 3, line 45, of said bill, strike out "It is not intended that any one person", and strike out lines 46, 47, 48, and 49.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 937—An act to amend Section 92 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, in the title of the printed bill, after "of", insert ", and to add Section 84 to,".

Amendment No. 2

On page 2, line 14, of said bill, after "order", strike out "or offer any job to an appli-"; and in line 15, strike out "cant", and insert ", regardless of specifications contained therein and".

Amendment No. 3

On page 2, line 16, of said bill, after "work", insert ", except if such job is open by reason of a trade dispute or if the services to be performed or the terms or conditions of employment are contrary to federal, state or local law, and shall inform any qualified applicant of the existence of such job opening".

Amendment No. 4

On page 2 of said bill, strike out lines 20 and 21.

Amendment No. 5

On page 2, line 22, of said bill, strike out "(e)", and insert "(d)".

Amendment No. 6

On page 2, line 26, of said bill, strike out "(f)", and insert "(e)"; after "shall", insert ", except when a referral to a job is immediately available,".

Amendment No. 7

On page 2, line 29, of said bill, strike out ", if any," and insert "and"; and after "account number", insert ", if any,".

Amendment No. 8

On page 2, line 31, of said bill, after "not", strike out "more", and insert "less".

Amendment No. 9

On page 2, line 38, of said bill, strike out "(g)", and insert "(f)".

Amendment No. 10

On page 2, line 41, of said bill, after "equal," insert "and after giving effect to priority due veterans because of any federal, state or local law,".

Amendment No. 11

On page 2, line 45, of said bill, strike out "(h)", and insert "(g)".

Amendment No. 12

On page 2, line 49, of said bill, strike out "(i)", and insert "(h)".

Amendment No. 13

On page 2, line 51, of said bill, after "work", insert "if, and as long as, such job is the only job suitable for such applicant for which the department has a job order.".

Amendment No. 14

On page 3, line 2, of said bill, after the comma, strike out "and"; and after "opening", strike out "shall", and insert "to".

Amendment No. 15

On page 3, line 4, of said bill, strike out "(j)", and insert "(i)".

Amendment No. 16

On page 3, line 11, of said bill, after "be", strike out "disqualified from receiving", and insert "subject to disqualification for"; and after "benefits", insert "by reason of his refusal of such an offer."

Amendment No. 17

On page 3, line 12, of said bill, strike out "(k)", and insert "(j)".

Amendment No. 18

On page 3, line 14, of said bill, after "employment", delete the period and strike out "To this end it may accept financial con-", and insert ", and to this end, may accept financial con-".

Amendment No. 19

On page 3 of said bill, following line 16, insert

"(k) If any provision of this section shall be found not to conform to federal requirements for eligibility for federal grants for administration of the employment service, such provision shall not be effective to the extent of such nonconformance.

Sec. 2. Section 84 is added to said act, to read:

Sec. 84. In addition to all other powers granted and duties imposed by this act, the director may create unemployment districts and other territorial subdivisions for the proper administration of the act."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 924—An act to amend Section 57 of, to add Sections 57.2 and 57.3 to, and to amend and renumber Section 57.5 of, the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, in the title of the printed bill, after "An act to", insert "repeal Section 56 of, to".

Amendment No. 2

On page 3, line 9, of said bill, after "behalf", strike out "; provided that it shall", and strike out lines 10, 11, and 12; in line 13, strike out "organization or of a school, college or university; but", and insert "by following a course of action which is reasonably designed to result in his prompt reemployment in suitable work, considering the customary methods of obtaining work in his usual occupation, or for which he is reasonably suited;".

Amendment No. 3

On page 3, line 14, of said bill, strike out "further".

Amendment No. 4

On page 3, line 42, of said bill, strike out "conclusive evidence", and insert "proof".

Amendment No. 5

On page 4 of said bill, after line 13, insert
"SEC. 5. Section 56 of said act is repealed."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 1431—An act to amend Sections 7621, 7622, 7623, 7624, 7650, 7654, 7681, 7682, 7691, 7692, 7720, and 7721 of the Labor Code; to amend and renumber Sections 7722, 7723, and 7724 of said code; and to add Sections 7722, 7724, and 7725 to said code; all relating to regulation of and inspection of tanks and boilers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 2, line 18, of the printed bill, as amended in Senate April 12, 1949, after the period, insert "Tanks and boilers used in the cleaning and dyeing industry, however, may in all cases be inspected by certified inspectors employed by the State Board of Dry Cleaners."

Amendment No. 2

On page 2 of said bill, between lines 29 and 30, insert
"(5) The State Board of Dry Cleaners."

Amendment No. 3

On page 3, line 23, of said bill, after the period, insert "In cases where inspections have been made by certified inspectors employed by the State Board of Dry Cleaners, no inspection fee shall be charged by any other state agency or any subdivision of the State."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1001—An act to amend Section 1352.1 of the Labor Code, relating to hours of labor for women.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Labor:

Amendment No. 1

On page 1, in line 16, of the printed bill, strike out "pharmacy".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1357—An act to amend Section 19806 of Chapter 5 of Division 8 of the Business and Professions Code, relating to bread.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1246—An act to amend Section 110.5 of the Business and Professions Code, relating to the Division of Administrative Procedure.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 14, of the printed bill, strike out the word "code", and insert "chapter".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 11—An act to amend Sections 3041 and 3042 of the Business and Professions Code, relating to the practice of optometry.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 218—An act to amend Sections 8909, 8916, 8920, 8937, 8938, 8968, 8970, 8971, and 8975 of, to repeal Sections 8954, 8955, and 8974 of, and to add Sections 8938.1, 8938.2, 8942, 8943, 8954, 8955, 8971.5, and 8972.1 to the Business and Professions Code, relating to the regulation of yacht and ship brokers and salesmen.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 1 of the title of the printed bill as amended in Senate March 23, 1949, strike out "8968".

Amendment No. 2

In line 3 of the title of said bill, strike out "8942".

Amendment No. 3

On page 2 of said bill, strike out lines 3 to 7, inclusive, and insert

"(a) To any person selling his own yacht or ship.

(b) To any person who engages in the business of buying yachts and ships for resale purposes.

(c) To any transaction involving the foreclosure of a security interest in a yacht or ship.

(d) To services rendered by an attorney at law in performing his duties as such attorney at law.

(e) To any receiver, trustee in bankruptcy or other person."

Amendment No. 4

On page 2 of said bill, strike out lines 40 to 46, inclusive.

Amendment No. 5

On page 4 of said bill, strike out lines 9 to 15, inclusive.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 618—An act to amend Sections 511.3, 515, and 601.5 of, and to repeal Section 511.6 of the Vehicle Code, relating to speed regulations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Assembly March 21, 1949, strike out "515".

Amendment No. 2

On page 2 of said bill, strike out lines 8 to 30, inclusive, and in line 31, strike out "SEC. 4", and insert "SEC. 3".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 920—An act to amend Section 108 of the Agricultural Code, relating to the control or eradication of pests.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, as amended, after line 25, add

"The adoption, repeal or rescission of any regulation referred to in this section shall be in accordance with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code.

No such regulations are valid unless they are clearly consistent with this chapter and are necessary to effectuate the purpose of this chapter and such regulations must conform to a strict interpretation of this chapter. The adoption of such regulations shall create no presumption of their necessity or validity."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Assembly Bill No. 2108—An act to amend Section 10278 of the Revenue and Taxation Code, relating to actions for the recovery of overpayments of motor vehicle transportation license tax.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1, line 1, of the title of the printed bill, after "of", insert "and to add Section 9781 to",

Amendment No. 2

On page 1, lines 2 and 3, of the title of said bill, strike out "actions for the recovery of overpayments of", and insert "the".

Amendment No. 3

On page 1 of said bill, after line 8, insert

"SEC. 2. Section 9781 is hereby added to the Revenue and Taxation Code, to read:

9781. In the event the license of an operator is revoked for failure to pay any amount due under this part and payment of the amount is made by the legal owner or the assignee of the legal owner of any vehicle upon which the amount was a lien and the legal owner or assignee informs the board in writing of such payment, the board shall not thereafter reinstate the license or issue another license to the operator until it is established to the satisfaction of the board that restitution has been made by the operator to the legal owner or assignee or that the legal owner or assignee has obtained restitution through repossession and sale of the vehicle."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Assembly Bill No. 2146—An act to amend Section 395 of the Military and Veterans Code, relating to absence of public officers and employees on military or naval duty; compensation and salary during absence on military or naval leave; attendance at drills, camps and

exercises; performance of duty during insurrection or emergency; private employees and restoration to positions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1203—An act to amend Sections 163, 164, 167, 168, 175, 180, 187, 223, 224, 252, and 253 of, and to add Section 212 to, the Military and Veterans Code, relating to the military forces of the State.

Bill read second time, and ordered to third reading.

Assembly Bill No. 188—An act to amend Section 981.1 of the Military and Veterans Code, relating to educational assistance to veterans, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended March 16, 1949, strike out "board", and insert "department".

Amendment No. 2

On page 1, line 6, of said bill, strike out "board", and insert "department".

Amendment No. 3

On page 1, line 7, of said bill, strike out "board", and insert "department".

Amendment No. 4

On page 1, lines 9 and 10, of said bill, strike out "educational institutions, approved by the board, which are located in".

Amendment No. 5

On page 1, line 11, of said bill, strike out "board", and insert "department".

Amendment No. 6

On page 1, line 14, after the period insert "The department may assist any eligible veteran who may apply for a short intensive post graduate or training or refresher course in any professional field where the purposes of such course are to prepare the veteran for a state examination which he must pass as a prerequisite to practice his profession in the State of California or where said course or courses will acquaint the veteran in professional techniques developed in private practice during the time that he was in the service."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 724—An act to amend Sections 1296, 1301, 1305, 1306, 1311, 1398, and 1776 of the Labor Code, and Sections 16687 and 16732 of the Education Code, relating to the Division of Labor Law Enforcement.

Bill read second time, and ordered to third reading.

Assembly Bill No. 159—An act to amend the title of Part 5, Division 2 of the Labor Code, relating to housing.

Bill read second time, and ordered to third reading.

Assembly Bill No. 123—An act to amend Section 4661 of the Labor Code, dealing with workmen's compensation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 901—An act to amend Sections 3854, 3856, and 3861 of, and to add Section 3863 to, the Labor Code, relating to attorney's fees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 379—An act to amend Section 1588 of the Labor Code, and to add Section 1588.2 thereto, relating to license fees of employment agencies and labor contractors.

Bill read second time, and ordered to third reading.

Assembly Bill No. 764—An act to amend Section 1944 of the Labor Code, relating to the employment of aliens.

Bill read second time, and ordered to third reading.

Senator Collier Presiding

At 9.45 p.m., Senator Randolph Collier of the Second District, presiding.

MOTION TO PRINT OPINION OF LEGISLATIVE COUNSEL

Senator Hatfield moved that the following opinion of the Legislative Counsel, regarding Farm Labor Camps, be printed in the Journal.

Motion carried.

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, April 12, 1949

Hon. George J. Hatfield

Senate Chamber

Farm Labor Camps—No. 5680

DEAR SENATOR HATFIELD: You have asked us the following questions in regard to housing authorities and farm labor camps.

1. Can a county housing authority acquire and operate federal farm labor camps?

2. Can a county housing authority lease these camps to farm groups?

3. If there is a county housing authority in existence, can a separate county housing authority be formed in the same county to provide for such camps?

4. Does the law now provide that a county housing authority may be financed by the issue of debentures to farmers to pay for farm labor camps?

We understand your questions to be based upon the following background.

Public Law 298 of the Laws of the Eightieth Congress, First Session (1947) enables the Secretary of Agriculture to dispose of farm labor camps and facilities to any public or semipublic agency or nonprofit association of farmers who will agree to operate and maintain such facilities for the principal purpose of housing migratory agricultural laborers. The act allows such disposition to be made until June 30, 1949.

A housing authority of a city or county would seem to be a public or semipublic agency within the meaning of this act. Therefore, as far as the federal act is concerned, these farm labor camps could be disposed of to such housing authorities.

1. It is our opinion that a county housing authority may acquire and operate federal farm labor camps.

The Housing Authorities Law (1938 (1st Ex. Sess.): 4:9) was enacted principally to make the benefits of the United States Housing Act of 1937 (42 U.S.C.A. secs. 1401-1430) available to this State, *Housing Authority of the County of Los Angeles v. Dockweiler* (1939), 14 Cal. 2d 437. The federal act set up a plan of slum clearance and erection of low-rent dwellings in their place.

The Housing Authorities Law, however, is not by its terms limited to housing projects undertaken pursuant to the Federal Housing Act.

The answer to the question asked involves a construction of the word "housing project." Section 8 of the Housing Authorities Law provides an authority shall have power

"* * * (b) within its area of operation: to prepare, carry out, acquire, lease and operate *housing projects*: * * *." (Emphasis added.)

Section 21 provides:

"In addition to the powers conferred upon an authority by other provisions of this act, an authority is empowered to borrow money or accept grants or other financial assistance from the Federal Government for or in aid of any housing project within its area of operation, *to take over or lease or manage any housing project or undertaking constructed or owned by the Federal Government*, and to these ends, to comply with such conditions and enter into such mortgages, trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this act to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal Government in the undertaking, construction, maintenance or operation of any housing project by such authority." (Emphasis added.)

Thus, if a farm labor camp is a "housing project" within the meaning of the act, housing authorities are given the power to acquire them.

Section 3 of the act defines a housing project as:

"(1) 'Housing project' shall mean any work or undertaking *to be financed in whole or in part by the Federal Government or to which the Federal Government extends assistance by supplying all or part of the labor, by guaranteeing the payment of liens, or otherwise*: * * *. (2) to provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income * * *." (Emphasis added.)

If read literally, this definition could be interpreted to mean that housing authorities may only engage in undertakings as to which federal financing will be available. This is not strictly true as to farm labor camps. Under the federal act the Secretary of Agriculture is to dispose of the camps, not finance their acquisition by other agencies.

We do not believe, however, such a literal interpretation would be adopted by the courts. It is our opinion when Section 21 of the act gives housing authorities additional powers to "take over * * * any housing project or undertaking constructed or owned by the Federal Government" this grant includes the power to take over a farm labor camp constructed by the Federal Government. Such a camp would seem to be a housing undertaking even if it may not be a housing project as defined by the act.

This could be clarified by an amendment to the act specifically giving to these authorities the power to acquire farm labor camps from the Federal Government.

2. It is our opinion that under the Housing Authority Law a housing authority could lease a farm labor camp to a farm group for operation by that group.

Subdivision (d) of Section 8 provides that an authority has power "to sell, lease, exchange, transfer, assign, pledge, or dispose of an real or personal property or any interest therein."

3. It is our opinion that if a county housing authority has been activated and is in existence, a separate county authority could not be formed in the same county to provide for farm labor camps.

Section 4 creates in each city and in each county "a public body corporate and politic to be known as the 'housing authority' of the city or county * * *." This indicates that there is created, for example, a Housing Authority of the County of Los Angeles, and a Housing Authority of the City of Los Angeles. The section goes on to state that such authority cannot exercise its powers until the governing body of the city or county, as the case may be, declares the need for such an authority to function.

This interpretation is borne out by the definition of the area of operation of a housing authority contained in Section 3:

"* * * (2) in the case of a housing authority of a county, (the the area of operation) shall include all of the county except the area within the territorial boundaries of any city located in said county * * *."

These two sections indicate there is to be only one county authority in each county and one city authority in each city.

There would seem to be no objection, however, to amending this act to provide that a special housing authority within the county could be created for the limited purpose of acquiring and operating these farm labor camps.

4. It is our opinion that under the Housing Authorities Law, a housing authority could not issue its bonds to farmers only.

Section 14 provides that an authority shall have power to issue bonds for any of its corporate purposes.

Section 15 provides that the bonds shall be sold at not less than par at public sale. The public sale provision would prohibit a private sale to farmers only.

This section could be amended, however, to provide that in the case of an issue designed to finance a farm labor camp, such issue could be limited to the farmers in the area.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By OWEN K. KUNS, Deputy

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 69

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 69—Relative to congratulating the Veterans of Foreign Wars on the fiftieth anniversary of their organization.

Request for Unanimous Consent

Senator McBride asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 69, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 69

Assembly Concurrent Resolution No. 69—Relative to congratulating the Veterans of Foreign Wars on the fiftieth anniversary of their organization.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Hatfield, Johnson, McBride, Miller, Powers, Rich, Sutton, Tenney, and Watson—21.

NOES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO RETAIN PLACE ON FILE

Senator Powers moved that Senate Joint Resolution No. 26 be passed on file and retain its place on file until the next legislative day.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS**

Senate Bill No. 61—An act to add Article 5, comprising Section 9126, to Chapter 1, Part 1, Division 2, Title 2 of the Government Code, providing for the establishment of special accounts for certain appropriations for expenses of the Legislature.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Hatfield, Johnson, Keating, McBride, Miller, Powers, Rich, Sutton, Tenney, and Watson—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 332—An act to add Article 4, comprising Sections 21100 to 21103, inclusive, to Chapter 8 of Part 3 of Division 5 of Title 2 thereof, and to add Section 21251.15 and Section 21261 thereto, all relating to the State Employees' Retirement System.

Bill read third time.

Motion to Amend

Senator Judah moved the adoption of the following amendment:

Amendment No. 1

In line 3 of the title of the printed bill, as amended in Senate, April 6, 1949, strike out "thereof", and insert "of the Government Code".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 632—An act to amend Sections 20126, 20362, 20894.5, 21028, 21251.1, 21253, 21452, and 21453 of the Government Code and to add Section 20337 to Article 2 of Chapter 3 and Section 21371 to Article 5 of Chapter 9 of Part 3 of Division 5 of Title 2 thereof, all relating to the State Employees' Retirement System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Hatfield, Johnson, Judah, Keating, McBride, Miller, Powers, Rich, Sutton, Tenney, Watson, and Weybret—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 525—An act to amend Section 954 of the Streets and Highways Code, relating to the abandonment of county highways, including the creating and designating of stock trails.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Donnelly, Dorsey, Hatfield, Jespersen, Johnson, Judah, Keating, McBride, Miller, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Weybret—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 527—An act to amend Section 943 of the Streets and Highways Code, relating to the abandonment of county highways, including the authorizing of boards of supervisors to create and designate stock trails.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Johnson, Judah, Keating, McBride, Miller, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1282—An act to repeal Sections 2071 and 2072 of, to add Sections 2071 and 2072 to, and to amend Sections 2073 and 2074 of, the Insurance Code, relating to insurance and the standard form fire insurance policy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Johnson, Judah, Keating, McBride, Miller, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 204—An act to add Sections 31553.5, 31645.5, and 31648.5 to the Government Code, relating to the membership in county retirement associations, and to the rights and privileges of members.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Donnelly, Dorsey, Hatfield, Johnson, Judah, McBride, Miller, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Weybret—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 755—An act to amend Sections 37103, 37426, 38742, 43069, and 43671 of the Government Code, relating to the organization, government, and powers of cities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Johnson, Judah, Keating, McBride, Powers, Rich, Salsman, Sutton, Tenney, and Watson—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 369—An act to amend Section 1 of an act entitled "An act to provide a stenographer and typist for judges of the superior courts and providing for their salaries and the payment thereof," approved May 31, 1927, relating to superior court stenographers and secretaries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Donnelly, Dorsey, Hatfield, Jespersen, Johnson, Judah, Keating, McBride, Powers, Rich, Salsman, Sutton, Tenney, and Watson—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 27—Relative to provision for public recreation, fish and wildlife development in flood, irrigation and power projects involving construction of dams.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Donnelly, Dorsey, Hatfield, Jespersen, Johnson, Judah, Keating, McBride, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Weybret—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

ADJOURNMENT

At 10:26 a.m., on motion of Senator Powers, the President declared the Senate adjourned until 2 p.m., Monday, April 18, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTY-SECOND LEGISLATIVE DAY
ONE HUNDRED SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, April 18, 1949

The Senate met at 2 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names :

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, and Weybret—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day :
Senator Kraft, on motion of Senator Powers, due to legislative business.

Senator Sutton, on motion of Senator Powers, due to legislative business.

Senator Williams, on motion of Senator Powers, due to legislative business.

Senator Busch, on motion of Senator Keating, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles W. Friedrichs of San Francisco.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs.

Alfred Krogh of Wisconsin, Mr. and Mrs. Charles Bevington of Roseville and Mrs. Belle Johnson, mother of Senator Johnson, of Roseville.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Samuel W. Yorty, Assemblyman of Los Angeles.

On request of Senators O'Gara and Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John F. Fixa, Postmaster, and George Higgins of San Francisco.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 4
Senate Bill No. 286
Senate Bill No. 560
Senate Bill No. 656
Senate Bill No. 658
Senate Bill No. 660

Senate Bill No. 661
Senate Bill No. 663
Senate Bill No. 664
Senate Bill No. 665
Senate Bill No. 671

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 37
Senate Bill No. 251
Senate Bill No. 472

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 18
Assembly Bill No. 249
Assembly Bill No. 326
Assembly Bill No. 679
Assembly Bill No. 807
Assembly Bill No. 919
Assembly Bill No. 948
Assembly Bill No. 1460

Assembly Bill No. 1461
Assembly Bill No. 1731
Assembly Bill No. 1768
Assembly Bill No. 1962
Assembly Bill No. 2299
Assembly Bill No. 2388
Assembly Bill No. 2546
Assembly Bill No. 3103

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 18—An act to amend Sections 985, 986.3, 986.5, 986.6 and 986.9 and to repeal Section 986.4 of the Military and Veterans Code, relating to farm and home purchases for veterans.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 249—An act to add Section 10115 to the Insurance Code, relating to life insurance policies.

Referred to Committee on Financial Institutions.

Assembly Bill No. 326—An act to amend Section 800 of the Labor Code, relating to midday meals of employees in the lumber industry.

Referred to Committee on Labor.

Assembly Bill No. 679—An act to add Sections 21253.2 and 21253.3 to the Government Code, relating to crediting "prior service," under certain conditions, to persons who were absent from state service on military service prior to January 1, 1932, and revising the benefits payable with respect to certain classes of members, including those who have retired prior to the effective date hereof, in connection with the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 807—An act to add Section 130 to the Military and Veterans Code, prohibiting segregation and discrimination in the militia.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 919—An act to amend Sections 1064 and 1071.2 of, and to add Section 1064.2 to, the Agricultural Code, relating to economic poisons.

Referred to Committee on Agriculture.

Assembly Bill No. 948—An act to add Article 5, comprising Sections 11628, 11629, and 11629.5, to Chapter 1, Part 3, Division 2, of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1460—An act to amend Section 252.1 of the Fish and Game Code, relating to and defining the boundaries of the Mendota Pool Game Refuge and public shooting ground.

Referred to Committee on Fish and Game.

Assembly Bill No. 1461—An act to amend Section 169 of the Fish and Game Code, relating to the Mendota Pool Game Refuge and defining the boundaries of Mendota Pool.

Referred to Committee on Fish and Game.

Assembly Bill No. 1731—An act to amend Section 4903 of the Labor Code, relating to liens.

Referred to Committee on Labor.

Assembly Bill No. 1768—An act to amend Section 9 of the Franchise Act of 1937, relating to franchises and the filing of bond.

Referred to Committee on Local Government.

Assembly Bill No. 1962—An act to amend Section 16374 of the Government Code, relating to the reversion of unclaimed trust money.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2299—An act to amend Section 7 of the Unemployment Insurance Act, relating to unemployment insurance and excluded employments thereunder.

Referred to Committee on Social Welfare.

Assembly Bill No. 2388—An act to amend Sections 69, 73, and 74 of the Civil Code, relating to documents required in connection with marriage.

Referred to Committee on Judiciary

Assembly Bill No. 2546—An act to amend Section 1676 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 3103—An act to amend Section 810.5 of the Agricultural Code, relating to asparagus.

Referred to Committee on Agriculture.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 218	Senate Bill No. 1246
Senate Bill No. 901	Senate Bill No. 1431
Senate Bill No. 906	Senate Bill No. 1545
Senate Bill No. 1001	

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 332

And reports the same correctly re-engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 15, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 11	Senate Bill No. 903
Senate Bill No. 386	Senate Bill No. 913
Senate Bill No. 389	Senate Bill No. 1357

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 15, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 88	Senate Bill No. 893
Senate Bill No. 411	Senate Bill No. 1238
Senate Bill No. 496	Senate Bill No. 1279
Senate Bill No. 675	

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 15, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1079
Senate Bill No. 1341

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:

Senate Bill No. 433

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 5; absent 4.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 1380

Senate Bill No. 1033

Senate Bill No. 1030

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 5; absent 4.

JESPERSEN, Chairman

Above reported bills ordered re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 1381

Assembly Bill No. 2422

Senate Bill No. 1382

Assembly Bill No. 1777

Senate Bill No. 1383

Assembly Bill No. 548

Senate Bill No. 1032

Assembly Bill No. 1073

Senate Bill No. 134

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:

Senate Bill No. 486

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Finance.

Committee membership 9; committee vote: Ayes 5; absent 4.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 795

Senate Bill No. 125

Senate Bill No. 801

Assembly Bill No. 681

Senate Bill No. 818

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

HUGH M. BURNS, Chairman

Above reported bills ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1967

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

TENNEY, Vice Chairman

Above reported bill ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: The Committee on Elections, to which were referred:

Senate Bill No. 132

Assembly Bill No. 2143

Assembly Bill No. 294

Assembly Bill No. 2144

Assembly Bill No. 563

Assembly Bill No. 2285

Assembly Bill No. 1349

Assembly Bill No. 2502

Assembly Bill No. 2141

Assembly Bill No. 1538

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

WEYBRET, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: The Committee on Elections, to which was referred:

Senate Bill No. 191

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

WEYBRET, Chairman

Above reported bill ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: The Committee on Water Resources, to which were referred:

Senate Bill No. 14

Senate Bill No. 1092

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 5; absent 4.

DONNELLY, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: The Committee on Water Resources, to which were referred:

Senate Bill No. 435

Assembly Bill No. 3101

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

DONNELLY, Chairman

Above reported bills ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: The Committee on Elections, to which were referred:

Assembly Bill No. 325

Assembly Bill No. 720

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

WEYBRET, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Bill No. 25

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 5; committee vote: Ayes 3; absent 2.

POWERS, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to take up Senate Bill No. 25 at this time for the purpose of adopting committee amendments and that the bill be placed on third reading file.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 25—An act to add Section 1905 to the Government Code, relating to the State Capitol Building.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 1905 to", and insert "Article 5 to Chapter 1 of Part 1 of Division 2 of Title 2 of".

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert "SECTION 1. Article 5 is added to Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, to read:

Article 5. The State Capitol Building

9105. The State Capitol Building is the building situated in the area bounded by 10th, L, 15th and N Streets in the City of Sacramento and includes all additions and annexes thereto hereafter constructed.

9106. The State Capitol Building is intended primarily for the use of the legislative department and, except for so much thereof as may be released pursuant to this article, shall be devoted exclusively to such use.

9107. There is hereby created the State Capitol Committee which consists of the Assembly Capitol Committee and the Senate Capitol Committee. The Senate Capitol Committee consists of the President pro Tempore of the Senate and four Members of the Senate appointed by the Committee on Rules thereof. The Assembly Capitol Committee consists of the Speaker of the Assembly, the Chairman of the Committee on Rules thereof, and three Members of the Assembly appointed by the Speaker thereof. Each committee herein created has a continuing existence and may meet and act during sessions of the Legislature or any recess thereof and in the interim periods between sessions. The provisions of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committees herein created and they shall have all the powers and authority provided in said rules. in Section 37 of Article IV of the Constitution of California, and in this article.

9108. Except for the following space in the State Capitol Building and in the annex when constructed:

(a) The space now occupied by the Governor's offices in the present State Capitol Building, until such time as said space is vacated by the Governor;

(b) The first floor of the annex; and

(c) The fifth floor of the annex east of the west side of the west cross-corridor running north and south across said annex, space in the State Capitol Building and all annexes and additions thereto shall be allocated from time to time by the State Capitol Committee in accordance with its determination of the needs of the Legislature and the two houses thereof. Said committee shall allocate such space as it determines to be necessary for facilities and agencies dealing with the Legislature as a whole, including but not limited to press quarters, bill rooms, telephone rooms, and offices for the Legislative Counsel and for committees created by the two houses jointly. Said committee shall allocate to the Senate and Assembly, respectively, the space it determines to be needed by such houses and their committees and the officers, employees, and attaches thereof. The space thus allocated to the Senate and to the Assembly shall be allotted from time to time by the Senate Capitol Committee and the Assembly Capitol Committee, respectively.

9109. The determination of the State Capitol Committee as to the needs of the Legislature shall be subject to change only by action of said committee or by concurrent resolution. If, at any time, said committee determines that there is space in the State Capitol Building in excess of the needs of the legislative branch of the State Government it may release such space for use by the executive branch of the State Government until such time as such space is needed by the legislative branch. Such release shall be effected by notifying the Director of Finance that certain described space is not necessary for the use by the Legislature for the time being. Thereafter the Department of Finance, until such time as the Director of Finance is notified that the space has become needed by the legislative branch, shall have the same jurisdiction over such excess space as if this article had not been enacted.

9110. The maintenance and operation of all of the State Capitol Building shall continue under the control of the Department of Finance, subject to the provisions of this article."

Amendment No. 3

On page 1 of said bill, strike out lines 2 to 28, inclusive, and strike out all of page 2.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE CONSTITUTIONAL AMENDMENT NO. 12

Senator Tenney moved that Senate Constitutional Amendment No. 12 be withdrawn from Committee on Revenue and Taxation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article XIII thereof a new section to be numbered 1.7, relating to an optional in lieu property tax on farm homesteads and residential property.

Resolution read.

Motion to Amend

Senator Tenney moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed measure, strike out lines 9 to 17, inclusive, and insert "Sec. 1.7. From and after the first Monday of March, 1951, owners of tangible real property subject to county assessment shall have the option of paying, in lieu of all ad valorem taxes authorized by this article, a sum equal to one-twelfth of the declared and verified annual space rent or rental value thereof. For the purposes of this section, the annual space rental value of farm homesteads, and of dwellings and multiple dwellings located on land zoned exclusively for residential use, shall be estimated at not more than 12 percentum of the market value of the property, and for other kinds of real property at not more than 15 percentum of market value; provided,

that space rent of property under rent control by law shall be the allowed rent less the cost of utilities and services required for the rent charged."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 12

Senator Dilworth moved that Senate Bill No. 12 be withdrawn from Committee on Education for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 12—An act to restrict zoning and covenant restrictions that prohibit the boarding or rooming of university or college students in the vicinity of state universities or colleges.

Bill read second time.

Motion to Amend

Senator Dilworth moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 2 of the printed bill, strike out "board or to let rooms to", and insert "provide family living accommodations to four or less".

Amendment No. 2

On page 1, line 3, of said bill, after "students", insert "in any single family dwelling".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

MOTION TO APPROVE JOURNALS

Senator Powers moved that the Journals for Monday, April 11, 1949; Tuesday, April 12, 1949; Wednesday, April 13, 1949; Thursday, April 14, 1949; and Friday, April 15, 1949 be approved as corrected by Minute Clerk and Journal Clerk.

Motion carried.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Williams:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Article 4.5 to Chapter 13 of Division 2 of the Education Code, relating to the annexation of high school districts to junior college districts.

Respectfully submitted,

SENATOR WILLIAMS

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 18, 1949

The Committee on Rules recommends that permission be granted to introduce the bills as requested, and that the bills be referred to Committee on Education.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Swing, Tenney, and Watson—32.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1622: By Senator Williams—An act to add Article 4.5 to Chapter 13 of Division 2 of the Education Code, relating to the annexation of high school districts to junior college districts.

Referred to Committee on Education.

Senate Concurrent Resolution No. 45: By Senator Williams—Relative to approving amendments to the charter of the City of Porterville, a municipal corporation, in the County of Tulare, State of California, voted for and ratified by the qualified electors of said city at the General Municipal Election held therein on the fifth day of April, 1949.

Resolution ordered printed and placed on third reading file.

CONSIDERATION OF DAILY FILE**THIRD READING OF SENATE BILLS**

Senate Joint Resolution No. 26—Relative to memorializing Congress to refuse passage of H. R. 2394, creating a Franklin Delano Roosevelt Memorial Redwood Forest in the Counties of Del Norte, Humboldt, Mendocino, and Sonoma, State of California.

Resolution read.

Previous Question

Senator Rich moved the previous question.

Motion carried.

The question being on the final adoption of Senate Joint Resolution No. 26.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, and Weybret—31.

NOES—Senator Drobish—1.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 131

Senator Tenney moved that Senate Bill No. 131 be withdrawn from Committee on Judiciary for purpose of amendment and be re-referred to Committee on Military and Veterans Affairs.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 131—An act to amend Section 6060.5 of the Business and Professions Code, relating to bar examinations of veterans.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert " and to add Section 6060.8 to,".

Amendment No. 2

On page 1 of said bill, after line 28, insert

"Sec. 2. Section 6060.8 is added to said code, to read:

6060.8. The provisions of subdivision (h) of Section 6060 shall not apply to any disabled veteran of World War I or World War II who prior or subsequent to the commencement, or prior or subsequent to the termination of said hostilities between the United States and the nations with which the United States was at war as determined by Act of Congress or Proclamation of the President:

1. Has graduated from a law school accredited by the examining board within a period of two years prior to the effective date of this section; or

2. Has furnished proof that he has otherwise diligently and in good faith studied law for at least four years, six months of which four-year period shall have occurred within one year prior or subsequent to the effective date of this section. Such proof shall consist of either:

(a) Proof of study pursued diligently and in good faith for such period in a law school and that the applicant has received passing grades in at least three-fourths of the work necessary for graduation therefrom; or

(b) Proof of study pursued diligently and in good faith for such period wholly outside of any law school or partly outside and partly in a law school (which latter part shall be measured by the standard mentioned in paragraph (a) hereof) and which in the aggregate shall amount to at least 3,456 hours; or

3. Has furnished proof that he has diligently and in good faith studied law for at least six months during the period commencing one year before and expiring one year after the effective date of this section.

The provisions of this section shall not apply to any veteran who enters the armed forces after the effective date of this section, nor to any disabled veteran who was not a bona fide resident of this State for 10 years next preceding the date of the enactment of this section, nor to any disabled veteran who has served less than one year in the armed forces, nor to any disabled veteran who has been dishonorably discharged from the armed service.

This section shall remain in effect until the ninety-first day after final adjournment of the 1951 Regular Session of the Legislature. While this section is in effect it shall supersede any existing provisions of law which are in conflict with this section; but such provisions are not repealed by this section and after this section is no longer effective shall have the same force as though this section had not been enacted.

The term "disabled veteran" shall be construed to mean any disabled veteran who has sustained a war service connected disability of a temporary or permanent nature and whose present rating of impairment by the Veterans' Administration is 10 percent or more. A certificate of disability showing the percentum of disability only properly authenticated by the Veterans' Administration shall be the only proof required to satisfy the requirements of this section."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 477

Senator Hatfield moved that Senate Bill No. 477 be withdrawn from Committee on Agriculture for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 477—An act to add Article 4 to Chapter 7 of Division 5 of the Agricultural Code, relating to hazardous materials for use in agricultural operations.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 17, of the printed bill, strike out "The commissioner shall", and insert "Nothing in this section shall be construed to operate to relieve any person from liability for any damage to the person or property of another caused by the use of such hazardous material."

Amendment No. 2

On page 1 of said bill, strike out lines 18 to 28, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 485

Senator Hatfield moved that Senate Bill No. 485 be withdrawn from Committee on Agriculture for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 485—An act to add Chapter 1a to Division 2 to, and to repeal Section 150 of, the Agricultural Code, relating to agricultural pest control operators.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 15, of the printed bill, strike out "an annual license", and insert "a license for each calendar year or portion thereof".

Amendment No. 2

On page 1, lines 19 and 20, of said bill, strike out "fifteen dollars (\$15)", and insert "twenty-five dollars (\$25)".

Amendment No. 3

On page 1, line 20, of said bill, after "shall", insert "pass an examination to demonstrate to the director his ability to conduct pest control operations and his knowledge of the nature and effects of materials used in pest control. The applicant shall".

Amendment No. 4

On page 1, line 21, of said bill, strike out "or its".

Amendment No. 5

On page 2, line 5, of said bill, strike out "or", and insert "and".

Amendment No. 6

On page 2 of said bill, strike out line 7, and insert "to procure a license, but shall obtain a permit from the director, register with the commissioner as provided in Section 160.3, and be subject to all other provisions of the chapter. The determination of the director that a person is engaged in the business of pest control beyond the vicinity of his own property or for the accommodation of others than his neighbors shall be final."

Amendment No. 7

On page 2, line 11, of said bill, after "licensee", insert "is not qualified to perform the type of pest control under the conditions and in the locality in which he intends to operate, or, that he".

Amendment No. 8

On page 2, line 18, of said bill, after "a", insert "faulty,".

Amendment No. 9

On page 2, line 34, of said bill, strike out "licensee to operate", and insert "person to engage for hire in the business of pest control".

Amendment No. 10

On page 2, line 35, of said bill, strike out "annually", and insert "for each calendar year or portion thereof,".

Amendment No. 11

On page 2, line 48, of said bill, strike out "registration of licensees", and insert "such registration".

Amendment No. 12

On page 4, line 1, of said bill, after "provisions", insert "of Section 160.2".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2146

Senator Rich moved that Assembly Bill No. 2146 be re-referred to Committee on Finance.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 332—An act to add Article 4, comprising Sections 21100 to 21103, inclusive, to Chapter 8 of Part 3 of Division 5 of Title 2 of the Government Code, and to add Section 21251.15 and Section 21261 thereto, all relating to the State Employees' Retirement System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, Parkman, Regan, Salsman, Tenney, Ward, Watson, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1412—An act relative to quiet title to actions against the State of California to lands heretofore abandoned by the State and conveyed by an agency of the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Miller, O'Gara, Powers, Regan, Salsman, Tenney, Ward, Watson, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Speaker Pro Tempore of the Senate Presiding

At 3 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 419—An act to repeal Section 2728 of, and to amend Section 2055 of, the Penal Code, relating to insuring prison made goods and the materials and equipment used in the production thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Miller, O'Gara, Powers, Regan, Rich, Swing, Tenney, Ward, Watson, and Weybret—27.

NOES—Senators Dillinger, Donnelly, Drobish, and Jespersen—4.

MOTIONS TO RECONSIDER

Senator Jespersen moved to reconsider the vote whereby Senate Bill No. 419 was passed.

Postponement of Reconsideration

On motion of Senator Jespersen, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 419 was passed, was continued until the next legislative day.

Senate Bill No. 416—An act to amend Section 5005 of the Penal Code, relating to the maintenance of canteens in prisons and institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 426—An act to amend Section 2726 of the Penal Code, relating to prison made goods.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Swing, Tenney, Ward, Watson, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 427—An act to amend Section 2870 of the Penal Code, relating to marking of prison made goods.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Drobish, Hatfield, Jespersen, Johnson, Keating, Miller, O'Gara, Powers, Regan, Rich, Swing, Ward, Watson, and Weybret—21.

NOES—Senators Collier, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hulse, Judah, Parkman, and Tenney—11.

Bill ordered transmitted to the Assembly.

MOTION TO RETAIN PLACE ON FILE

Senator Rich moved that Senate Bills Nos. 1246, 1533, and 1545 be passed on file and retain their place on file until the next legislative day.

Motion carried.

Senate Bill No. 314—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds of public bodies, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Miller, O'Gara, Parkman, Powers, Regan, Swing, Tenney, Ward, Watson, and Weybret—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Miller, O'Gara, Parkman, Powers, Regan, Swing, Tenney, Ward, Watson, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 415—An act to amend Section 2724 of the Penal Code, relating to prison made goods, and making the resale for personal profit by a purchaser thereof a misdemeanor.

Bill read third time.

Previous Question

Senator Watson moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 415.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Dillinger, Dilworth, Gibson, Hatfield, Johnson, Judah, Keating, Miller, O'Gara, Parkman, Powers, Regan, Swing, Ward, Watson, and Weybret—24.

NOES—Senators Cunningham, Desmond, Donnelly, Dorsey, Drobish, Hulse, Jespersen, McBride, and Tenney—9.

Bill ordered transmitted to the Assembly.

Senate Bill No. 570—An act to add Section 2703 to the Penal Code, relating to employment of prisoners, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, McBride, O'Gara, Parkman, Powers, Regan, Swing, Ward, Watson, and Weybret—27.

NOES—Senators Miller and Tenney—2.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, McBride, O'Gara, Parkman, Powers, Regan, Swing, Ward, Watson, and Weybret—29.

NOES—Senators Collier, Miller, and Tenney—3.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1279—An act to amend Section 5531 of the Public Resources Code, relating to regional park districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Miller, O'Gara, Parkman, Powers, Regan, Tenney, Ward, and Watson—30.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RETAIN PLACE ON FILE

Senator Regan moved that Senate Bills Nos. 249 and 422 be passed on file and retain their place on file until the next legislative day.

Motion carried.

Senate Bill No. 88—An act to add Chapter 4 to Part 2, Division 8 of the Harbors and Navigation Code, relating to the power of a harbor improvement district to improve, develop or protect any harbor or harbors within the district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, McBride, Miller, O'Gara, Powers, Regan, Tenney, Ward, and Watson—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 675—An act to amend Section 28111 of the Government Code, relating to compensation for public service in counties of the eleventh class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, and Watson—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1238—An act to amend Section 28128 of the Government Code and Section 428 of the Education Code, relating to compensation for public services in counties of the twenty-eighth class.

Bill read third time.

Motion to Amend

Senator Cunningham moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 22, 23, and 24, of the printed bill, as amended in Senate, April 14, 1949, strike out "Each supervisor shall furnish his own transportation in the performance of all his duties within the county."

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 893—An act to amend Sections 795.1 and 795.5 of the Agricultural Code, relating to standards for citrus fruits, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, and Watson—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, Watson, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 271—An act to amend Sections 735.3, 736.1-1, and 736.3 of, and to add Section 735.10 to, the Agricultural Code, relating to fluid milk and fluid cream.

Motion to Refer Bill to Inactive File

Senator Hatfield moved that Senate Bill No. 271 be placed on the inactive file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 509

Senator Watson moved that Senate Bill No. 509 be withdrawn from Committee on Water Resources for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 509—An act to add Sections 1.1, 1.2, and 1.3 to the Orange County Water District Act, relating to the exclusion of certain areas from the district.

Bill read second time.

Motion to Amend

Senator Watson moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and 1.3 to", and insert "1.3, 1.4, and 1.5 to, and to amend Sections 17 and 41 of".

Amendment No. 2

In line 3 of the title of said bill, after "district", insert ", and to empower said district to contract for the purchase of water from a metropolitan water district organized under the Metropolitan Water District Act and to amend certain limitations therein".

Amendment No. 3

On page 1 of said bill, strike out lines 7 to 26, inclusive, and pages 2 to 6, inclusive, and on page 7, lines 1 to 19, inclusive, and insert

"Parcel No. 1

Beginning at the point of intersection of the northeasterly prolongation of the southeasterly line of Summit Street, as said street is laid out and shown on a map of Seashore Colony Tract, as recorded in Map Book 7, page 25, Records of Orange County, California, with the north bank of the Santa Ana River, said point of beginning being in the boundary of Coastal Municipal Water District; thence, following the boundary line of Coastal Municipal Water District, north $84^{\circ} 43' 27''$ east 258.27 feet; thence, south $68^{\circ} 22' 03''$ east 756.00 feet; thence, south $76^{\circ} 50' 03''$ east 225.30 feet; thence, north $81^{\circ} 50' 57''$ east 233.05 feet; thence, north $44^{\circ} 22' 57''$ east 241.88 feet; thence, north $20^{\circ} 07' 27''$ east 511.05 feet; thence, north $51^{\circ} 48' 27''$ east 194.20 feet; thence, north $74^{\circ} 07' 27''$ east 296.60 feet; thence, south $44^{\circ} 46' 33''$ east 337.15 feet; thence, south $27^{\circ} 46' 03''$ east 319.0 feet; thence, south $21^{\circ} 30' 03''$ east 544.0 feet; thence, south $1^{\circ} 35' 57''$ west 857.80 feet; thence, south $4^{\circ} 31' 33''$ east 439.77 feet; thence, southeasterly in a straight line to an intersection with the former southerly line of the California State Highway having a width of 80 feet; said point of intersection bears south $5^{\circ} 55' 18''$ east 1,113.01 feet from the northwest corner of the northeast one-quarter of Section 29, Township 6 South, Range 10 West, S. B. B. & M.; said point of intersection also being 40 feet southerly of Engineer's Station 683 + 40.95 on the center line of said highway; said point also being the westerly terminus of the ordinary high tide line of the Pacific Ocean in Newport Bay and designated "North Line" and north bank of the Santa Ana River, as established by a decree in Court Case No. 23686 of the Superior Court in and for Orange County, California, a certified copy of which decree was recorded September 19, 1928 in Book 201, page 253, Official Records of Orange County, California; thence, along said north bank of the Santa Ana River through the following courses and distances: South $60^{\circ} 19' 50''$ east 577.07 feet; south $66^{\circ} 44' 18''$ east 584.64 feet; south $58^{\circ} 28' 28''$ east 1,085.28 feet; thence, south $74^{\circ} 17' 11''$ east to an intersection with the northwesterly line (or the southwesterly prolongation thereof) of Irvine's Subdivision of Ranchos San Joaquin, and Lomas de Santiago and Flint and Bixby Allotment in Rancho Santiago de Santa Ana, as shown on a map recorded in Book 1, page 88 of Miscellaneous Record Maps, Records of Orange County, California; thence north 40° east along the said southwesterly prolongation and along the northwesterly line of said Irvine's Subdivision to its intersection with the southeasterly extension of the southwesterly boundary line of Lot 919, First Addition to Newport Mesa Tract, as per map thereof recorded in Book 8, page 61, Miscellaneous Maps, Records of said Orange County; thence, north $29^{\circ} 09'$ west along the last said southeasterly extension and along the southwesterly line of said First Addition to Newport Mesa Tract to the most westerly corner of Lot 1304 of said First Addition to Newport Mesa Tract; thence, north $19^{\circ} 16'$ east along the northwesterly line of said First Addition to Newport Mesa Tract to the northwest corner of said tract, said corner being in the center line of 19th Street, as shown on map of said First Addition to Newport Mesa Tract; thence, westerly along the westerly prolongation of the center line of said 19th Street (said center line being the north line of said First Addition to Newport Mesa Tract), to the southwest corner of the parcel of land described in deed from Mary Banning Norris to Edna Race Capron recorded in Book 1281, page 199 of Official Records of said county; thence, northerly along the west line of the last aforesaid parcel of land deeded to Edna Race Capron to the northwest corner thereof, said corner being in the south line of Fairview Farms as shown on a map thereof recorded in Book 8, page 71 of Miscellaneous Maps, Records of said Orange County, and distant thereon 264 feet easterly from the intersection of said south line with the center line of Valley Road as shown on a map of Tract No. 653 recorded in Book 19, page 42 of Miscellaneous Maps, records of said county; thence, westerly along the south line of said Fairview Farms to the southwest corner of Lot 75 of said Fairview Farms; thence, northeasterly along the northwesterly line of said Lot 75 to the northwest corner thereof; thence, easterly along the north line of said Fairview Farms to an intersection with the east boundary line of the Talbert Drainage District; thence, northerly along said east boundary line of the Talbert Drainage District to an intersection with the north line of Lot A of the Banning Tract as shown on a map attached to the report of the referees filed April 14, 1890, in the action of Hancock Banning et al., vs. Mary H. Banning, Case No. 6385 on the Register of Actions of the Superior Court of the State of California in and for the County of Los Angeles; thence, easterly along the north line of said Lot A of the Banning Tract to an intersection with the center line of Harbor Boulevard, formerly known as Fairview Avenue as shown on said map of Fairview Farms; thence, southerly along the center line of said Harbor Boulevard to an intersection with the north line of said

Fairview Farms; thence, easterly along the north line of said Fairview Farms and its easterly prolongation to an intersection with the center line of Newport Avenue, 60 feet in width lying southeasterly of and adjacent to the Southern Pacific Company right of way as shown on said map of Fairview Farms; said center line being also the northwesterly line of said Irvine Subdivision; thence, south 40° west along the said northwesterly line of Irvine Subdivision to the northerly corner of Lot 155, Block 4 of said Irvine Subdivision, said corner being the intersection of the center line of Newport Avenue and 23d Street, as shown on a map of Newport Heights recorded in Book 4, page 83 of Miscellaneous Maps, Records of said Orange County; thence, south 50° east one mile, along the center line of said 23d Street to its intersection with the center line of Irvine Avenue as shown on said map of Newport Heights, said intersection being in the southeasterly line of Block 4 of said Irvine Subdivision; thence, southwesterly two miles along the southeasterly boundary of Blocks 4, 3, and 2 of said Irvine's Subdivision to the southerly corner of the easterly one-quarter of said Block 2; thence, southeasterly one-half mile along the southwesterly line of Lot 166 in Block 54 of said Irvine's Subdivision; thence, northeasterly five-eighths mile to a point on the southeasterly line of Lot 164 in Block 53 of said Irvine's Subdivision, which point is northeasterly one-eighth mile from the southerly corner of said Lot 164 in Block 53; thence, southeasterly three miles along a line drawn parallel to and one-eighth mile northeasterly from the southwesterly boundary line of Blocks 53, 55, 93, and 96 of said Irvine's Subdivision to a point in the southeasterly boundary line of the westerly one-quarter of said Block 96; thence, southwesterly three-eighths mile along the southeasterly boundary line of the said westerly one-quarter of Block 96 and its southwesterly extension; thence, southeasterly four miles parallel to and one-quarter mile southwesterly from the northeasterly boundary lines of Blocks 95, 131, and 164 of, said Irvine's Subdivision to an intersection with the most northerly boundary line of the Laguna Beach County Water District, as described in an order of the Board of Supervisors of Orange County, California, recorded in Book 26, page 129 of Miscellaneous Records of Orange County, California; thence, northeasterly, and southeasterly following the northwesterly and northeasterly exterior boundary of said Laguna Beach County Water District across a portion of said Irvine's Subdivision to the westerly corner of the southerly quarter of the southerly quarter of Block 165 of said Irvine's Subdivision; thence, northeasterly to the northerly corner of said southerly quarter of the southerly quarter of said Block 165; thence, southeasterly along the northeasterly line of said southerly quarter of the southerly quarter of said Block 165 and the extension thereof to a point on the exterior boundary of said Laguna Beach County Water District; thence, southeasterly, northeasterly, southeasterly and easterly along the northerly exterior boundary of said Laguna Beach County Water District across a portion of said Irvine's Subdivision to intersection with the center line of Laguna Canyon Road, as laid out and improved by the County of Orange in 1914; thence, northeasterly along the said center line of Laguna Canyon Road to a point on the westerly extension of the northerly line of the south one-half of the northwest one-quarter of Section 18, Township 7 South, Range 8 West, S. B. B. & M.; thence, easterly along said westerly extension of and along the northerly line of the south one-half of the northwest one-quarter of said Section 18 to the center line of said Section 18; thence, southerly along said center line of Section 18 and along the center line of Section 19, said township and range, to the southwest corner of the northwest one-quarter of the northeast one-quarter of said Section 19; thence, easterly along the south line of the said northwest one-quarter of the northeast one-quarter of Section 19 to the west boundary of Rancho Niguel, as recorded in Book 2, page 231 of Patents, records of Los Angeles County, California; thence, southerly along the west boundary of Rancho Niguel to the south line of Section 30, said township and range; thence, westerly along the said south line of Section 30 to the center line of Section 31, said township and range; thence, southerly along said center line of Section 31 and its southerly extension to a point in the high-tide line of the Pacific Ocean; thence, northwesterly along the high-tide line of the Pacific Ocean to the point of junction of the said high-tide line with the high-tide line of Newport Bay on the southeasterly side of the entrance to said Newport Bay; thence, northwesterly across said entrance to the point of junction of the said high-tide lines of Newport Bay and the Pacific Ocean on the northwesterly side of said entrance; thence, northwesterly along the said high-tide line of the Pacific Ocean to an intersection with the southwesterly prolongation of the southeasterly line of the aforesaid Summit Street; thence, northeasterly along the southwesterly prolongation of the southeasterly line of aforesaid Summit Street and along the southeasterly line of said Summit Street and its northeasterly prolongation to the point of beginning.

Parcel No. 2

Beginning at the southerly corner of the westerly one-quarter of the southerly one-quarter of Block 49 of Irvine's Subdivision of Ranchos San Joaquin and Lomas de Santiago, and Flint and Bixby Allotment in Rancho Santiago de Santa Ana, as shown on a map recorded in Book 1, page 88 of Miscellaneous Record Maps, Records of Orange County, California, said point of beginning being in the exterior boundary of Orange County Water District and of Coastal Municipal Water District; thence, northwesterly along the boundary of Orange County Water District, one and three-fourths miles to the westerly corner of Block 7 on the northwesterly boundary of said

Irvine's Subdivision; thence, northeasterly, leaving the boundary of Orange County Water District and following the boundary of Coastal Municipal Water District, one mile to the northerly corner of said Block 7; thence, southeasterly one-quarter miles in a direct line to the easterly corner of the northwesterly one-half of Lot 133 in said Block 7; thence, southwesterly one-half mile in a direct line to the southerly corner of said northwesterly one-half of Lot 133; thence, southeasterly one-half mile in a direct line to the easterly corner of the northerly one-quarter of Lot 135 in said Block 7; thence, southwesterly one-quarter mile in a direct line to the southerly corner of the northerly one-quarter of said Lot 135; thence, southeasterly one-quarter mile in a direct line to the northerly corner of the southwesterly one-half of Lot 136 in Block 49 of said Irvine's Subdivision; thence, southeasterly three-quarters of a mile in a direct line to the easterly corner of the westerly one-quarter of the southerly one-quarter of said Block 49, said corner being in the exterior boundary of Orange County Water District; thence, southwesterly along the boundary of Orange County Water District, one-quarter mile to the point of beginning.

Parcel No. 3

Beginning at the easterly corner of the southerly one-quarter of Lot 151 in Block 5 of Irvine's Subdivision of Ranchos San Joaquin and Lomas de Santiago, and Flint and Bixby Allotment in Rancho de Santa Ana, as shown on a map recorded in Book 1, page 88 of Miscellaneous Record Maps, Records of Orange County, California, said point of beginning being in the boundary of Coastal Municipal Water District; thence, following the boundary of Coastal Municipal Water District, southwesterly along the southeasterly line of said Lot 151 to its intersection with the mean high tide line as established by decree of the Superior Court of Orange County in Case No. 20436 as recorded in book of judgments No. 19, page 309, said intersection being a point in the boundary of Orange County Water District; thence, easterly following the courses by distances and bearings along the boundary of Orange County Water District to its intersection with the northeasterly line of the southwesterly one-half of the southwesterly one-half of Block 51 of said Irvine's Subdivision, said intersection being a point in the boundary of Coastal Municipal Water District; thence, northwesterly following the boundary of Coastal Municipal Water District along the said northeasterly line of the southwesterly one-half of the southwesterly one-half of Block 51 to the point of beginning.

The above described three (3) parcels of lands include all the lands situate within the exterior boundaries of Coastal Municipal Water District.

Parcel No. 4

The north one-half of the west two-thirds of the west one-half of the northeast one-quarter of Section 36, Township 3 South, Range 11 West, S. B. B. & M.

Parcel No. 5

All of that portion of the easterly 100 acres of the southwest one-fourth of Section 34, Township 3 South, Range 10 West, S. B. B. & M., in the County of Orange, State of California, more particularly described as follows: Beginning at a point in the northerly line of the south half of the southwest one-fourth of said Section 34, said line being also the south line of the City of Fullerton, said point being also in the center line of Lemon Street, 60.00 feet in width; thence, along the center line of Lemon Street, south $0^{\circ} 10' 27''$ east 264.00 feet; thence, leaving the center line of Lemon Street, south $89^{\circ} 38' 35''$ west 351.56 feet, more or less, to a point in the westerly line of the easterly 100 acres of the southwest one-fourth of Section 34; thence, along said westerly line north $0^{\circ} 08' 35''$ east 264.00 feet, more or less, to an intersection with the southerly line of the City of Fullerton, said point of intersection being distant south $89^{\circ} 38' 35''$ west 350.15 feet along the south line of the City of Fullerton from its intersection with the center line of Lemon Street above described; thence along said southerly line of the City of Fullerton, north $89^{\circ} 38' 35''$ east 350.15 feet to the point of beginning.

Parcel No. 6

A portion of the west half of the northeast quarter (NE. $\frac{1}{4}$) of the southwest quarter (SW. $\frac{1}{4}$) of Section 3, Township Four (4) South, Range 10 West, S. B. B. & M., in the County of Orange, State of California, and more particularly described as follows:

Beginning at the intersection of the present city limit line of the City of Anaheim with the west line of North Lamon Street, which point is on the south line of Lot 5, Miles Rancho, as shown on a map recorded in Book 4, page 7, Miscellaneous Maps, Records of Orange County, 30 feet west of the southeast corner of said lot; thence east along said south line of Lot 5 and said line extended, being along said city limit line, 220 feet; thence, north along the city limits, and parallel with the east line of said Lot 5, to a point on the north line of the southwest quarter (SW. $\frac{1}{4}$) of the northeast quarter (NE. $\frac{1}{4}$) of the southwest quarter (SW. $\frac{1}{4}$) of said Section Three (3); thence, east along said north line, and along the city limits, to the southeast corner of the northwest quarter (NW. $\frac{1}{4}$) of the northeast quarter (NE. $\frac{1}{4}$)

of the southwest quarter (SW. $\frac{1}{4}$) of said Section Three (3); thence, north along the east line of said northwest quarter (NW. $\frac{1}{4}$) of the northeast quarter (NE. $\frac{1}{4}$) of the southwest quarter (SW. $\frac{1}{4}$) of said Section Three (3), and along the city limits 22 feet to a point on the north line of Commercial Street; thence west along said north line of Commercial Street, and said line extended, to said west line of North Lemon Street; thence, south along said west line of North Lemon Street, to the place of beginning. ("City limits" as used in the aforesaid description refers to the city limits of the City of Anaheim, California).

Parcel No. 7

A portion of the north one-half (N. $\frac{1}{2}$) of the north one-half (N. $\frac{1}{2}$) of the southwest quarter (SW. $\frac{1}{4}$) of Section 3, Twp. Four (4) South, Range Ten (10) West, S. B. B. & M., more particularly described as follows:

Beginning at a point on the east line of the northwest quarter (NW. $\frac{1}{4}$) of the northeast quarter (NE. $\frac{1}{4}$) of the southwest quarter (SW. $\frac{1}{4}$) of said Section Three (3), twenty-two (22) feet north of the southeast corner of the northwest quarter (NW. $\frac{1}{4}$) of the northeast quarter (NE. $\frac{1}{4}$) of the southwest quarter (SW. $\frac{1}{4}$) of said Section 3, which said point of beginning is also on the north line of Commercial Street and the city limit line of the City of Anaheim; thence north along said city limit line and along the east line of the northwest quarter (NW. $\frac{1}{4}$) of the northeast quarter (NE. $\frac{1}{4}$) of the southwest quarter (SW. $\frac{1}{4}$) of said Section Three (3), three hundred twelve (312) feet to a point; thence west, parallel to the south line of the northwest quarter (NW. $\frac{1}{4}$) of the northeast quarter (NE. $\frac{1}{4}$) of the southwest quarter (SW. $\frac{1}{4}$) of said Section 3, and its westerly prolongation, to the westerly line of Lemon Street; thence south along said westerly line of Lemon Street to its intersection with the westerly prolongation of the north line of Commercial Street; thence east along the city limit line of said City of Anaheim and along the westerly prolongation of the north line of Commercial Street and along the north line of Commercial Street to the point of beginning.

Parcel No. 8

Beginning at a point on the easterly city limit line of the City of Anaheim, Orange County, California, which point is the intersection of the northerly prolongation of the easterly line of Lot 4, Anaheim Extension, as shown on Map of Survey made by William Hamel, Licensed Surveyor, and filed for record in the office of the County Recorder of Los Angeles County, California, with the center line of Sycamore Street as said street is shown on said map of Anaheim Extension, which street is also known as East Sycamore Street within the city limits of said city; thence southwardly along said city limit line and along the northerly prolongation of the easterly line of said Lot 4 and along the easterly line of said Lot 4 to its intersection with the east and west center line of said Lot 4; thence westwardly along the city limit line of said city and along the east and west center line of said Lot 4 to its intersection with the north and south center line of said Lot 4; thence southwardly along the city limit line of said city and along the north and south center line of said Lot 4 and along the southerly prolongation of the north and south center line of said Lot 4 and along the southerly prolongation of the north and south center line of said Lot 8 to its intersection with the center line of Santa Ana Street as shown on said map of Anaheim Extension, which street is known as East Santa Ana Street within the city limits of said city; thence eastwardly along the center line of said Santa Ana Street to its intersection with the southerly prolongation of the westerly line of Lot 10 of said Anaheim Extension; thence northwardly along the southerly prolongation of the westerly line of said Lot 10 and along the westerly line of said Lot 10 to its intersection with a line parallel to, and distant 330 feet southerly, at right angles, from the center line of Center Street as said street is shown on said map of Anaheim Extension, which street is now known as Center Street and also as East Center Street; thence eastwardly along a line parallel to the center line of said Center Street, to a point on the southerly line of the right of way of Anaheim-Olive Road, known also as Secondary State Highway Route No. 178; thence southeastwardly along the southerly right of way line of said Secondary State Highway Route No. 178 to the west line of Placentia Avenue which is the most easterly of the north and south streets shown on the map of said Anaheim Extension; thence north along the west line of said Placentia Avenue to the northerly line of the right of way of said Secondary State Highway Route No. 178; thence southeastwardly along the northerly right of way line of said Secondary State Highway Route No. 178 to its intersection with a line parallel to and distant 330 feet east at right angles, from the west line of Section 12, Township Four (4) South, Range Ten (10) West, S. B. B. & M.; thence north, parallel to the west line of said Section 12, to a point in the north line of said Section 12; thence north, parallel to the west line of Section 1, Township Four (4) South, Range Ten (10) West, S. B. B. & M., 425 feet; thence west, parallel to the south line of said Section 1 to the east line of said Placentia Avenue; thence south along the east line of said Placentia Avenue to its intersection with a line parallel to and distant 330 feet north, at right angles, from the south line of said Section 1; thence west, parallel to the south line of said Section 1, to the west line of said Section 1; thence west, parallel to the south line of Section 2, Township Four (4) South,

Range Ten (10) West, S. B. B. & M., to the west line of the east five and one-fourth ($5\frac{1}{4}$) acres of the southeast one-quarter (SE. $\frac{1}{4}$) of the southeast one-quarter (SE. $\frac{1}{4}$) of the southeast one-quarter (SE. $\frac{1}{4}$) of said Section 2; thence south along the west line of said five and one-fourth ($5\frac{1}{4}$) acre parcel and along the south prolongation of the west line of said parcel to the intersection of the south prolongation of the west line of said five and one-fourth ($5\frac{1}{4}$) acre parcel with the center line of said Sycamore Street; thence westwardly along the center line of said Sycamore Street to its intersection with the easterly city limit line of said city, which point is the point of beginning.

Parcel No. 9

A tract of land in the County of Orange, State of California, being a portion of Lots 27 and 28 of Anaheim Extension as shown on Map of Survey made by William Hamel, Licensed Surveyor, and filed for record in the office of the County Recorder of Los Angeles County, California, and a portion of Lots 7 and 9 of a Re-Plat of Orchard Park Tract as per map recorded in Book 6, page 7, Miscellaneous Maps, Records of Orange County, California, the exterior boundary of said tract being more particularly described as follows: Beginning at the intersection of the southerly city limit line of the City of Anaheim with the west line of South Palm Street, which point is also the northwest corner of the intersection of South Palm Street and West Vermont Avenue; thence eastwardly along said southerly city limit line, which line is also the north line of West Vermont Avenue, a distance of 496.84 feet; thence southwardly along a line parallel to the monumented center line of South Palm Street, also called Harbor Boulevard, a distance of 290.00 feet; thence westwardly along a line parallel to said southerly city limit line a distance of 492.00 feet to a point on the west line of South Palm Street also called Harbor Boulevard; thence north along the west line of South Palm Street, also called Harbor Boulevard, to an intersection with the south line of West Vermont Avenue; thence northwestwardly to the northwest corner of the intersection of South Palm Street and West Vermont Avenue, which is the point of beginning.

Parcel No. 10

Beginning at the quarter section corner on the south line of Section 9, which corner is also the corner of the present north and west city limit lines of the City of Anaheim; thence northwardly along the north and south center line of said Section 9, and along the present west city limit line of said City of Anaheim, a distance of 825 feet, more or less, to a point on the south line of Lot 5, Anaheim Homestead Tract, as shown on a map recorded in Book 26, page 10, Miscellaneous Records of Los Angeles County, California; thence westwardly along the south line of Lots 5, 6, 7 and 8 of said Anaheim Homestead Tract and said line extended, to the westerly line of Loara Street; thence southwardly along said westerly line of Loara Street to a point on the southwesterly right-of-way line of the Southern Pacific Railroad Company which point is 62.40 feet, more or less, north of the south line of said Section 9; thence North $57^{\circ} 13' 30''$ west, along said southwesterly right-of-way line, a distance of 392.81 feet to a point; thence south $1^{\circ} 02' 45''$ east, a distance of 280.38 feet, more or less, to a point on the south line of said Section 9, which line is also the center line of Lincoln Avenue, which point is 346.0 feet westwardly, measured along said center line, from the center line of Loara Street; thence continuing south $1^{\circ} 02' 45''$ east, a distance of 30 feet to a point on the southerly property line of said Lincoln Avenue; thence eastwardly along said southerly property line of said Lincoln Avenue a distance of 647.58 feet, more or less, to a point on the westerly city limit line of said City of Anaheim, which line is also the northeasterly line of the Southern Pacific Railroad Company's right-of-way; thence north $57^{\circ} 13' 30''$ west, along said westerly city limit line and the said northeasterly line of said railroad right-of-way, a distance of 54.58 feet, more or less, to a point on the southerly line of said Section 9, which line is also the present city limit line; thence eastwardly along said southerly line of said Section 9 and along said present city limit line a distance of 1062.81 feet, more or less, to the point of beginning.

Parcel No. 11

Beginning at the southeast corner of Lot 6, Miles Rancho, as per map recorded in Book 4, page 7 of Miscellaneous Maps, Records of Orange County, California; running thence west, along the south line of said lot, 150 feet; thence north, parallel with the east line of said lot, 774 feet, more or less, to the north line of said lot; thence east, along the north line of said lot, 150 feet, more or less, to the northeast corner of said lot; thence south, along the east line of said lot, 779 feet more or less, to the point of beginning.

Parcel No. 12

Beginning at the corner of the present city limits of the City of Anaheim on the north line of West La Palma Avenue, 404.53 feet east of the southwest corner of Lot 11, Miles Rancho, as shown on a map recorded in Book 4, page 7, Miscellaneous Maps, Records of Orange County, California, thence north along the present city limit line of said City of Anaheim to a point on the north line of Romneya Drive, to a point which is 186.6 feet east of the extended west line of said Lot 11, Miles Rancho; thence south along a line parallel with and uniformly 186.6 feet east of said extended

west line and said west line of said Lot 11 to a point on the north line of said West La Palma Avenue; thence east along said north line of West La Palma Avenue and along the present city limit line of said City of Anaheim, a distance of 217.93 feet to the point of beginning.

Parcel No. 13

Beginning at the northeasterly corner of Tract No. 284, Chanticleer Manor, as per map thereof recorded in Book 14, pages 1 and 2 of Miscellaneous Maps, Records of said Orange County, said point being on the westerly extension of the northerly line of Tract No. 560, McFadden Home Tract No. 4, as per map thereof recorded in Book 19, pages 1 and 2 of Miscellaneous Maps, Records of said Orange County, said point being also on the east boundary line of the City of Santa Ana; thence easterly along said westerly extension and said northerly line of Tract No. 560 to the northeasterly corner of said Tract No. 560, said northeast corner being a point on the westerly line of Tract No. 696, Central Manufacturing District, Section No. 1, as per map thereof recorded in Book 20, pages 45 and 46 of Miscellaneous Maps, Records of said Orange County; thence continuing easterly along the easterly extension of said northerly line of Tract No. 560, to a point which is 125 feet east of the east line of Standard Avenue, as said avenue is shown on said Tract No. 696; thence south parallel to and distant 125 feet from the east line of said Standard Avenue to the south line of said Tract No. 696, being a point in Delhi Road; thence west along the south line of said Tract No. 696 and its westerly extension to the northeast corner of Emmett's Addition to South Santa Ana, as per map thereof recorded in Book 8, page 13 of Miscellaneous Maps, Records of said Orange County, being an angle point in the boundary line of the City of Santa Ana; thence west along the north line of said Emmett's Addition, being along the boundary line of the City of Santa Ana to a point in the southerly extension of the east line of Tract No. 638, Furman Tract No. 1, as per map thereof recorded in Book 19, page 17 of Miscellaneous Maps, Records of said Orange County, being an angle point in the boundary line of the City of Santa Ana; thence north along the east line of said Tract No. 638 and the east line of said Tract No. 284, being also along the boundary line of the City of Santa Ana to the northeasterly corner of said Tract No. 284, being the point of beginning, and situated in the County of Orange, State of California.

Parcel No. 14

Commencing at the intersection of the center line of St. Andrews Place with the center line of Standard Avenue, as shown on a map of Tract No. 696, recorded in Book 20, page 46, Miscellaneous Maps, Records of Orange County. Running thence easterly along the said center line of St. Andrews Place and an extension thereof to a point in said extended center line, which is 125 feet easterly from the east line of Standard Avenue, said point being in the boundary line of the City of Santa Ana for the point of beginning. Thence continuing easterly along said extended center line a distance of 35 feet to a point; thence northerly, parallel to and distant 160 feet from the east line of Standard Avenue, a distance of 135 feet to a point; thence westerly parallel to the said center line of St. Andrews Place 35 feet to a point in the boundary line of the City of Santa Ana; thence southerly along the easterly boundary line of the City of Santa Ana 135 feet to the point of beginning."

Amendment No. 4

On page 7, line 23, of said bill, strike out "area", and insert "lands".

Amendment No. 5

On page 7, line 24, of said bill, strike out "is", and insert "shall be deemed".

Amendment No. 6

On page 7 of said bill, strike out lines 25 to 29, inclusive, and insert "pose of assessment and taxation upon the date that said Section 1.1 shall become effective. The information and maps,".

Amendment No. 7

On page 7, line 32, of said bill, after "and", insert "with".

Amendment No. 8

On page 7, line 33, of said bill, strike out "this section", and insert "said Section 1.1".

Amendment No. 9

On page 7 of said bill, strike out lines 36 to 39, inclusive, and insert

"Sec. 1.3. Within thirty days from and after the date Section 1.1 hereof shall become effective, and not less than thirty days before any election in the district there-after, the board of directors shall:

(a) Make an entry in the minutes of the board describing the boundaries of the district as such boundaries shall exist after the exclusion from said district of the lands described in said Section 1.1, and for that purpose the board may cause a survey to be made of such portions of the district, as the board may deem necessary; and a certified copy of such minute entry, certified by the president and secretary of the board, shall

be filed for record in the recorder's office of each county within which are situated any of the lands of the district; but said district, notwithstanding the exclusion of the lands effected by said Section 1.1, shall be and remain a district as fully, to every intent and purpose, as it would be had no change been made in the boundaries of the district, or had the lands so excluded therefrom never constituted a portion of the district; and

(b) Reestablish the boundaries of the divisions and election precincts within the district, so as to make said divisions as nearly equal in area as may be practicable."

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 10

On page 7 of said bill, between lines 39 and 40, insert

"SEC. 4. Section 1.4 is added to said act, to read:

Sec. 1.4. Until the board of directors shall have reestablished the boundaries of the divisions as provided in Section 1.3 hereof, no forfeiture of office of any director shall occur by reason of the exclusion from said district of the lands described in Section 1.1 hereof; provided, that when the boundaries of the divisions shall have been so reestablished, as provided in said Section 1.3, any director who is not then a resident of the district and an owner of land within the reestablished boundaries of the division theretofore represented by him shall forfeit his office, and the vacancy shall be filled as provided in Section 12 hereof.

SEC. 5. Section 1.5 is added to said act, to read:

Sec. 1.5. Nothing in this act provided shall, in any manner, operate to release any of the lands so excluded from the district by Section 1.1 hereof, from any obligation to pay, or any lien on said excluded lands of any assessment for the payment of, any valid bonds or other indebtedness of the district outstanding at the time of such exclusion of said lands, but upon the contrary, said lands shall be held subject to said lien and answerable and chargeable for and with the payment and discharge of all of said bonds and other indebtedness of the district outstanding at the time of such exclusion of said lands, as fully as though said exclusion had never been made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as part of the district the same as though said Section 1.1 never had become effective; and all provisions which might have been resorted to to compel the payment by said lands of their quota or portion of said outstanding indebtedness, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of their quota and portion of said outstanding indebtedness of the district for which said excluded lands are liable, as herein provided. But said lands so excluded shall not be held answerable or chargeable for any obligation or indebtedness of any nature or kind whatever, incurred after Section 1.1 hereof shall have become effective, and said excluded lands shall not be subject to any lien of any assessment for the payment of any such obligation or indebtedness.

SEC. 6. Section 17 of said act is amended, to read:

Sec. 17. The board of directors, on or before the first meeting of the board of supervisors of said Orange County in August of each year, must furnish said board of supervisors and the auditor of said Orange County with an estimate in writing of the amount of money needed for the initiated or authorized purposes of the district for the current fiscal year. This amount, together with available moneys on hand, [must be sufficient] *shall be deemed to be sufficient* to provide the necessary funds to initiate, carry on and complete any of the powers, projects, and purposes for which this district is organized, and which the board of directors shall deem advisable to be initiated or authorized for the current fiscal year; to pay the estimated cost of maintenance, operation and repairs of works and projects of the district, the incidental expenses of the district, and the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken or assumed by the district, including the cost of employment of attorneys and engineers; and if bonds have been voted by the district, said estimate shall include an amount sufficient to raise the interest and principal on the outstanding bonds accruing during the current fiscal year and to provide for a sinking fund from which to pay the principal of said bonds when due; and if said district shall have voted a special assessment as provided in Section 35 hereof, said estimate shall also include the amount of any installment of said special assessment, to be levied during said year [...]; and if the district shall have entered into a contract with a metropolitan water district organized under the Metropolitan Water District Act of this State, for the purchase of water from such metropolitan water district, said estimate shall include an amount which shall be:

(1) Sufficient to meet all the payments required to be made during said fiscal year to the vendor metropolitan water district by the vendee district; and

(2) Sufficient to meet all other outlays and disbursements of said vendee district required during said year in the performance of such contract.

Provided, however, that if at the time of making said estimates the district shall not have voted a special assessment as provided in Section 35 hereof, and said district shall not have voted bonds as in this act provided, and said district shall not have entered into a contract for the purchase of water from such metropolitan water district, then [the amount of the assessment levied during any year for the raising of funds shall not exceed five cents for each one hundred dollars, or fraction thereof, of assessed valuation of assessable property in the district, according to the last assessment rolls of said Orange County; provided, further, that after the expiration of five (5) years next succeeding the date when this act becomes effective]:

(1) The amount of [said] the assessment levied during any year shall not exceed two cents (\$0.02) for each one hundred dollars (\$100), or fraction thereof, of assessable property in said district, according to the last assessment rolls of Orange County, unless at the time of the levy of each annual assessment as provided for in this act at least six members of the then board of directors of the district vote in favor of the levy of an assessment not exceeding five cents (\$0.05) for each one hundred dollars (\$100), or fraction thereof, of assessed valuation of assessable property in the district according to the last assessment rolls of [said] Orange County; [provided further,]

(2) If, in the opinion of the directors of the district, conditions shall arise during any year or years [prior to the expiration of five years next succeeding the date when this act shall become effective,] that shall necessitate the levying of an assessment exceeding the [levy of five cents] respective amounts of the levies last hereinbefore provided for, then upon the affirmative vote of at least six [of the] members of the then board of directors of the district, the district and its board of directors may levy [in the manner in this act provided for,] an assessment [exceeding five cents but not exceeding ten] which shall not exceed fifteen cents (\$0.15) for each one hundred dollars (\$100), or fraction thereof, of assessed valuation of assessable property in the district, according to the last assessment rolls of said Orange County.

SEC. 7. Section 41 of said act is amended to read:

Sec. 41. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void [except that for any of the purposes of this act, the board of directors may, before the levying of the first assessment, incur indebtedness in such sum or sums as shall not exceed an amount equal to five cents for each one hundred dollars or fraction thereof of the assessed valuation of property in the district, and may cause warrants of the district to be issued therefor, bearing interest at not more than seven per centum per annum, said rate to be fixed by the board of directors. Each such warrant shall be made payable on a date not later than the first day of January, next after the warrant is issued, and if not paid when presented on the due date or thereafter shall be registered and the amount due thereon shall draw interest as provided in section 42 of this act.]

Nothing contained in this section shall be construed as limiting the right of the board to enter into any contract or lease for any lands, waters, water rights or other property as elsewhere in this act authorized and by said lease or contract to bind the district for the payment of the consideration specified in said lease or contract, but, *except as hereinafter provided*, if the smallest payment to be made under said lease or contract in any year exceeds an amount equal to one cent for each one hundred dollars or fraction thereof of the assessed valuation of property in the district assessable by said district, said lease or contract shall not be valid unless an assessment or assessments sufficient to meet all the payments to become due under said lease or contract shall have been or shall be authorized for that purpose by the qualified voters of said district in accordance with the provisions of this act [-]; *provided, that this limitation shall not apply to any contract or lease for the supplying of water to the district by a metropolitan water district organized under the Metropolitan Water District Act of this State, and, notwithstanding any other provision of this act, the board may enter into such contract or lease and thereby bind the district forthwith according to the terms and provisions of said contract or lease, and the provisions of Section 21 and Section 22 of this act shall not apply."*

Amendment No. 11

On page 7, line 40, of said bill, strike out "SEC. 4", and insert "SEC. 8".

Amendment No. 12

On page 8, lines 4 and 5, of said bill, strike out "and permitting it to percolate into the soil".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1275

Senator Collier moved that Assembly Bill No. 1275 be withdrawn from Committee on Governmental Efficiency and referred to Committee on Transportation.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 353—An act to amend Section 21 of the Fish and Game Code, relating to powers and duties of the Fish and Game Commission.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out "and no such", and strike out lines 12 and 13, and insert "The premium".

Amendment No. 2

On page 1 of said bill, after line 15, insert

"All appointments of deputies which require the execution of the official bond herein described are canceled, such cancellation to be effective November 15, 1949. Appointments made to take effect on or subsequent to November 15, 1949, are invalid unless the appointee is specifically named and authorized to act by official order of the commission and he has executed, and the commission has approved, such official bond. Any person who acts as such deputy without the procedure set forth in this section having been fully complied with is guilty of a misdemeanor."

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 386—An act to amend Sections 451, 452, 455.7, 456, 459, and 460 of the Unemployment Insurance Act, relating to unemployment compensation disability insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, McBride, O'Gara, Parkman, Powers, Regan, Tenney, Watson, and Weybret—24.

NOES—Senators Donnelly and Johnson—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1357—An act to amend Section 19806 of Chapter 5 of Division 8 of the Business and Professions Code, relating to bread.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, McBride, Miller, O'Gara, Powers, Regan, Salsman, Tenney, and Watson—26.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 22	Assembly Bill No. 1642
Assembly Bill No. 90	Assembly Bill No. 1672
Assembly Bill No. 375	Assembly Bill No. 1845
Assembly Bill No. 414	Assembly Bill No. 1847
Assembly Bill No. 449	Assembly Bill No. 1848
Assembly Bill No. 459	Assembly Bill No. 1849
Assembly Bill No. 547	Assembly Bill No. 1850
Assembly Bill No. 668	Assembly Bill No. 1851
Assembly Bill No. 718	Assembly Bill No. 1852
Assembly Bill No. 1207	Assembly Bill No. 2036
Assembly Bill No. 1396	Assembly Bill No. 2038
Assembly Bill No. 1421	Assembly Bill No. 2045
Assembly Bill No. 1447	Assembly Bill No. 2047
Assembly Bill No. 1451	Assembly Bill No. 2241
Assembly Bill No. 1452	Assembly Bill No. 2344
Assembly Bill No. 1633	Assembly Bill No. 2431

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By JOHN WENDT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 22—An act to add Article 43.5, comprising Sections 11615 and 11616 to Chapter 1, Part 3, Division 2, of the Insurance Code, and to amend Section 704, of said code, relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 90—An act to add Sections 19564, 19565, and 19566 to the Business and Professions Code, relating to horse racing, providing for Quarter Horse races during horse racing meetings.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 375—An act to add Chapter 3 to Part 2, Division 2 of the Military and Veterans Code, relating to the creation and organization of a security force and a reserve force, the authority for the organization of military forces when the National Guard is absent in federal service or Congress has consented thereto, the rules and regulations for the government of such forces and reserves, the pay, allowances, expenses, supply, equipment, maintenance, training, discipline and administration of such security and reserve forces, the use of armories and buildings, the use of the forces without the State, the authority to use the forces of other states within this State, federal service, civil groups, disqualifications, oaths of office, Articles of War, freedom from arrest, jury duty, unemployment, exemption from civil service, workmen's compensation, removal from service and the employment of such forces in the service of the State.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 414—An act to add Section 246 to the Penal Code, relating to the discharging of firearms or throwing of missiles at dwelling houses or occupied buildings.

Referred to Committee on Judiciary.

Assembly Bill No. 449—An act to amend Sections 117 and 117r of the Code of Civil Procedure, relating to small claims actions.

Referred to Committee on Judiciary.

Assembly Bill No. 459—An act to amend Section 5003 of the Public Resources Code, relating to powers and duties of State Park Commission.

Referred to Committee on Natural Resources.

Assembly Bill No. 547—An act to amend Section 18973 of the Government Code, relating to veterans' preference in state civil service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 668—An act to amend Section 476 of the Vehicle Code, relating to traffic signals.

Referred to Committee on Transportation.

Assembly Bill No. 718—An act to amend Sections 7372 and 7396 of the Business and Professions Code, relating to the practice of cosmetology.

Referred to Committee on Business and Professions.

Assembly Bill No. 1207—An act to amend Section 20894.5 of the Government Code and Sections 14702 and 14495.2 of the Education Code, relating to contributions of members of retirement system absent in military service.

Referred to Committee on Education.

Assembly Bill No. 1396—An act to amend Sections 6877, 6878, and 6915 of the Business and Professions Code, relating to collection agencies.

Referred to Committee on Business and Professions.

Assembly Bill No. 1421—An act to add Section 9095 to the Insurance Code, relating to fraternal fire insurers.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1447—An act to amend Section 3301 of the Corporations Code, relating to the service of process on corporations and the designation of officers, agent and address of principal office of corporations.

Referred to Committee on Judiciary.

Assembly Bill No. 1451—An act to amend Sections 12184, 12185, 12186, and 12192 of the Government Code, relating to fees of the Secretary of State.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1452—An act to amend Sections 24201, 24205, and 24211 of the Education Code, relating to the incorporation and powers of colleges and seminaries of learning.

Referred to Committee on Education.

Assembly Bill No. 1633—An act to amend Section 1143 of the Penal Code, relating to juror's fees.

Referred to Committee on Judiciary.

Assembly Bill No. 1642—An act to amend Section 31553 of the Government Code, relating to membership in County Employees' Retirement Association.

Referred to Committee on Local Government.

Assembly Bill No. 1672—An act to amend Sections 2 and 3 of an act entitled "An act relating to the determination of the wartime population of cities or cities and counties for purposes of allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof," approved May 18, 1943, relating to the allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therefrom.

Referred to Committee on Local Government.

Assembly Bill No. 1845—An act to amend Sections 7140, 7142, and 7231 of, and to repeal Section 7143 of, Division 8 of the Streets and Highways Code, relating to street improvement proceedings.

Referred to Committee on Transportation.

Assembly Bill No. 1847—An act to amend Section 8322 of the Streets and Highways Code, relating to notices of street vacation.

Referred to Committee on Transportation.

Assembly Bill No. 1848—An act to amend Section 3222 of the Streets and Highways Code, relating to street opening proceedings.

Referred to Committee on Transportation.

Assembly Bill No. 1849—An act to amend Section 4141 of the Streets and Highways Code, relating to street opening proceedings.

Referred to Committee on Transportation.

Assembly Bill No. 1850—An act to amend Sections 5181, 5241, 5242, 5254, 5258, 5369, and 6420 of the Streets and Highways Code, relating to improvement proceedings.

Referred to Committee on Transportation.

Assembly Bill No. 1851—An act to amend Section 18071 of the Streets and Highways Code, relating to street lighting proceedings.

Referred to Committee on Transportation.

Assembly Bill No. 1852—An act to amend Section 5871 of the Streets and Highways Code, relating to the construction of gutters.

Referred to Committee on Transportation.

Assembly Bill No. 2036—An act to amend Section 18975 of the Government Code, relating to credit in state examinations for service in the armed forces.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 2038—An act to amend Sections 18935, 18936, and 18937 of, and to add Section 18939 to, the Government Code, relating to state civil service examinations.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2045—An act to amend Sections 19170, 19173, and 19175 of the Government Code, and to add Section 19175.5, relating to the probationary period of state employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2047—An act to amend Section 19140 of the Government Code, relating to reinstatement of state employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2241—An act to amend Section 172a of the Penal Code, relating to alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2344—An act to amend Sections 4850, 4851, 4852, and 4854 of, and to repeal Section 4853 of, the Labor Code, relating to leave of absence with pay in lieu of disability payments.

Referred to Committee on Local Government.

Assembly Bill No. 2431—An act to amend Section 315 of the Municipal Utility District Act, relating to nomination papers.

Referred to Committee on Public Utilities.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 34—An act to add Section 13326 to the Government Code, relating to budgets of state agencies;

Senate Bill No. 390—An act to amend Section 626 of the Agricultural Code, relating to skim milk;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighteenth day of April, 1949, at 2 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 44—Relative to approving an amendment to the Charter of the City of San Mateo, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on the fifth day of April, 1949;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the eighteenth day of April, 1949, at 2 p.m.

POWERS, Chairman

RESOLUTIONS

The following resolution was offered:

By Senator Breed:

Senate Resolution No. 85

Commemorating the rebuilding and growth of San Francisco

WHEREAS, Forty-three years have flown since that April 18, 1906, when the people of San Francisco awakened just before dawn to find their beloved city rocked by a catastrophe during the four days which followed, ravaged by fire and dynamite, until it seemed only ash and ruin remained; and

WHEREAS, Yesterday, on Easter Sunday, one day before the forty-third anniversary of that disaster, thousands of San Franciscans and visitors to the city,

gathered for sunrise services on Mt. Davidson, could see the rebuilt city reaching beyond sight of eye on all sides, greater and more beautiful than any could have dreamed on that morning of devastation; and

WHEREAS, With great courage and faith the rebuilding of the city began at once and through the 43 years since it has remained the greatest port and queen city of the Pacific Coast, through which poured the vast flow of men and material to bring victory in the Pacific, and has retained the same golden spirit of adventure and joy of life which characterized its earlier days, has been the site of the magnificent Panama Pacific Exposition of 1915 and the World's Fair of 1939 and 1940 commemorating completion of the Golden Gate and the San Francisco-Oakland Bay Bridges, and is honored as the birthplace of the United Nations; now, therefore, be it

Resolved by the Senate of the State of California, That the Members of this Senate congratulate the people of the City and County of San Francisco upon the rebuilding of their city and express the pride of all Californians in the magnificent and world famous city by the Golden Gate, for 100 years mecca of argonaut and artisan, built by the sinews of commerce and industry and crowned by the arts, one of the truly great cities of the world.

Resolution read, and on the motion of Senator Breed, adopted.

ADJOURNMENT

At 4.35 p.m., on motion of Senator Keating, the President declared the Senate adjourned until 1.30 p.m., Tuesday, April 19, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTY-THIRD LEGISLATIVE DAY

ONE HUNDRED SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, April 19, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Williams, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ted Galanter of San Francisco.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. David Steinberg of Los Angeles and J. W. Crawford of Sonora.

On request of Senators Busch and Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Claude Van Dyke of Stockton.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to D. Bruce Ellis of Riverside.

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Felicia Diaz and James C. Boynton, sponsors, and the following members of the Senior Class of Winters High School of Winters: Rose Amrine, Pat Biasi, Barbara Boyce, Kathy Clark, James DeWitt, Bob Draper, Kieth Farnsworth, Isabel Fernandez, Julia Fernandez, Laura Frisbee, Barbara Gregg, Marlene Hague, Roger Henley, James Hightower, Annie Kidwell, Willie Lawrence, Rudy Lopez, Gale McClish, John Martin, Joe Mayes, Bob Mayhew, Marvin Millsap, Alvin Morgan, Beverly Norton, Larry Owings, Dwain Partain, Delores Ramos, Gregory Ramos, Herman Ramos, Jean Ramos, Anna Reiff, Phil Snow, Thaya Turner, and Gerry Cole.

On request of Senator Michael J. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Michael J. Burns, Mr. and Mrs. D. E. Moore, Denise and Michael, all of Eureka.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thomas D. Revia of Morro Bay and Harold Elmore of Atascadero.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. B. Ellis, District Superintendent; H. F. Smith and Mrs. Helen Cory, Teachers; and the following Eighth Grade students of Lafayette Elementary School of Lafayette: Joan Allen, Sidney Ames, Phyllis Anderson, Carol Linn Baldwin, Jerry Ball, Howard Barber, Irene Barrett, Dale Beck, Billy Bedard, Jack Bickerdike, David Bridges, Janet Cary, Diane Christiansen, Lester Conklin, Don Davis, Marilyn Davis, Ned Davis, Wallace Donaghue, Joan Dezzani, Vance Fisher, Katherine Flynn, Don Garrett, Jerry Gray, Richard Gerow, David Grieves, Carol Griffith, Gordon Grigg, Gary Hacker, Tom Hall, Eric Hansen, Janet Harkness, Richard Harris, Shirley Hoffman, Dale Isaacs, Bonnie Jeffreys, Karen Johanson, Rae Johnson, Don Kennedy, Richard Knoble, Dolores Landes, Sally Langren, Arthur Lassagne, Richard Lee, Joan Linsley, Joan Lucas, Elizabeth Lyser, John Maas, Shirley Mahl, Marlene Maier, Robert Maihlo, Richie Mason, Moreland Mienz, Ester Meuniet, Pat Miles, Ed Neighbor, Howard Nemir, Tony Oliveira, Stanley Olsen, Dick Ong, Bob Peterson, Fred Ravazza, Roberta Shirling, Charles Steward, Verna Steward, Allen Stewart, Joanne Taylor, William Tinay, Buddy Turner, Carole Van Cleave, Ada Vittaly, Don Weidlein, Margery Welch, Douglas White, Michael White, Gregory Williams, Nancy Williamson, Kenneth Wise, and Stanley Wise.

On request of Senator Hugh M. Burns and Lieutenant Governor Knight, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Nick Draklich and Karl Bucknian of Fresno.

On request of Senators O'Gara, Brown, Hugh M. Burns, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Johnson, Keating, McBride, Miller, and Regan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edward Heller, Democratic National Committeewoman for California, of San Francisco.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Willard B. Treadwell of Merced.

Letter of Transmittal

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS
SACRAMENTO, April 15, 1949

*Mr. Joseph A. Beek, Secretary
The State Senate, State Capitol
Sacramento, California*

DEAR MR. BEEK: Pursuant to the provisions of Senate Resolution No. 77, I transmit herewith report regarding expenditures by counties of money appropriated by Chapter 565, Statutes of 1943.

Said chapter appropriated \$1,500,000 for the preparation of surveys, plans and specifications for postwar county highway construction projects. The act provided for the apportionment of the money to the various counties of the State. It also provided that the board of supervisors of each county submit a budget of proposed postwar construction projects on county highways to the department for approval, showing the estimated expenditure of such funds recommended to be made. Further, that the department delegate the expenditure of the money allocated to any county to such county if the department is satisfied that such county is equipped to conduct the particular work to be delegated in an efficient and economic manner and that the department shall pay to each county to which an expenditure has been delegated the amount of such proposed expenditure as soon as the budget for said county has been approved. It also provided that each county to which any expenditure was delegated file with the department, at the close of the fiscal year in which any expenditures were made, a report showing all expenditures made in such detail as the department may require.

The attached report contains a tabulation of the counties showing the amount of funds apportioned to each county, the amount paid to each county, the expenditures reported by each county and expenditures made by the State, the balance unexpended in each county, and the amount of money which has reverted to the State General Fund. This tabulation is as of June 30, 1948, the date of the last annual report of expenditures by the counties. Where no report was received from a county for the Fiscal Year 1948, the information contained in the last report filed by that county is shown. In several instances, no reports have been submitted or the county has reported that no expenditures were made. Attached also is a copy of all budgets submitted by counties showing a brief summary of projects included in such budgets, and a copy of the latest report filed by each county showing expenditures made of such moneys.

An examination of the reports of expenditures made by the counties indicates that except in two cases, the money was properly expended for approved projects in accordance with the requirements of the act. The exceptions are: Merced County which reported an expenditure of \$824.31 for a project that was not included in the approved budget. That is the only expenditure reported by Merced County. Yuba County reported an expenditure of \$500 for a project that was not included in the approved budget. This item appears to be a clerical error as an extract of the minutes shows the payment to be made from Road District No. 2 funds.

The form prepared by the department for reporting expenditures contemplated that the total expenditure for each project be reported each year so the latest annual report will include all expenditures previously made on that project. In general, this procedure has been followed by the counties. Since the last report filed by a county contains all the expenditures to the date of that report only a copy of the last report is included herewith since to include prior reports would merely be a duplication of partial information. Where such procedure was not followed by a county, copies of all reports required to show the total expenditure by the county are included.

It will be noted that after a lapse of almost five years, there remains \$585,237.57 unexpended, or 39 percent of the amount appropriated.

Yours very truly,

C. H. PURCELL, Director of Public Works

Letter of Transmittal ordered printed in the Journal and report ordered filed with the Secretary of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 353

Senate Bill No. 1238

And reports the same correctly re-engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 25

Senate Concurrent Resolution No. 45

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which was referred:

Senate Bill No. 1133

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which were referred:

Senate Bill No. 434

Senate Bill No. 1132

Assembly Bill No. 1687

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bills ordered to second reading.

CONSIDERATION OF DAILY FILE

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill No. 37—An act to amend Section 12973.7 of the Insurance Code, relating to documents and publications.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 37?

Amendment No. 1

In line 1 of the title of the printed bill, after "12973.7", insert "and 12922".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1, line 9, of said bill, insert

"SEC. 2. Section 12922 of the Insurance Code is amended to read:

12922. The commissioner shall, on or before the first day of August in each year, make a report to the Governor, containing a tabular statement and synopsis of the reports which have been filed in his office and showing, generally, the condition of

the insurance business and interests in this State, and other matters concerning insurance. Such report shall also contain a detailed verified statement, of the moneys and fees of office received by him, and for what purpose. [The printing of said report and all other printing required by the Division of Insurance shall be exempt from the provisions of Article 12, Chapter 3, Title 1, Part 3 of the Political Code.]”

Amendment No. 3

On page 1 of the printed bill, as amended in the Assembly on March 30, 1949, strike out lines 9 to 21, inclusive.

Amendment No. 4

In line 1 of the title of the printed bill, as amended in the Assembly on April 8, 1949, strike out “and 12922”.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 37 by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Crittenden, Desmond, Donnelly, Jespersen, Keating, Kraft, McBride, O’Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, and Weybret—21.
NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 472—An act to amend Section 13 of the County Waterworks District Act, relating to property and obligations of county waterworks districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 472?

Amendment No. 1

On page 1 of the printed bill, strike out lines 18 to 28, inclusive; and on page 2, strike out lines 1 to 5, inclusive, and insert “municipal corporation. The”.

Amendment No. 2

On page 2, lines 10 and 11, of said bill, strike out “within the boundaries of such municipal corporation”.

Amendment No. 3

On page 2, line 20, of said bill, before “Whenever”, insert “(b)”.

Amendment No. 4

On page 2 of said bill, after line 40, insert

“(c) Whenever, heretofore or hereafter, a municipal corporation at the time of its incorporation owned or owns no works for supplying its inhabitants with water and all of the works and system of a county waterworks district used for supplying the district’s inhabitants with water and all of the territory of the district, except that owned by the United States, are located within the boundaries of the municipal corporation at the time of its incorporation, then the county waterworks district shall be deemed dissolved. Upon such dissolution its property shall thereupon become the property of the municipal corporation. Any bonds of such district, theretofore voted, but not issued and sold, shall be canceled.

The municipal corporation and proper officers thereof, as to such property, shall have and exercise the powers and perform the duties vested in and imposed upon the said county, and the board of supervisors and officers thereof, prior to such annexation or inclusion, except as specifically provided otherwise herein. Upon such annexation or inclusion, all money in the county treasury to the credit of any fund, other than funds for the payment of any outstanding obligations of the district, shall be forthwith transferred to the treasury of said municipal corporation and be used for the purposes for which the same was available prior to such transfer and none other.

Such annexation or inclusion shall not affect any obligation of the district outstanding at the time of the annexation or inclusion, and the board of supervisors shall levy such tax, pursuant to the provisions of this act, as may be necessary to make required payments therefor.

Where a municipality has been heretofore incorporated and a county waterworks district therein is dissolved pursuant to the provisions of this subdivision, such district is dissolved on the effective date of this amendment.”

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 472 by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Jespersen, Keating, Kraft, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, and Weybret—25.

NOES—None.

Above bill ordered enrolled.

MOTIONS TO RECONSIDER

Senate Bill No. 419—An act to repeal Section 2728 of, and to amend Section 2055 of, the Penal Code, relating to insuring prison made goods and the materials and equipment used in the production thereof.

Motion to Reconsider Waived

Senator Jespersen waived his motion to reconsider the vote whereby Senate Bill No. 419 was passed.

Senate Bill No. 419 ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS

Senate Bill No. 1079—An act to amend Section 19435 of the Business and Professions Code, relating to witnesses before the California Horse Racing Board.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "may", and insert "shall, at the request of either party".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1341—An act to amend Section 19433 of the Business and Professions Code, relating to the salary of the Secretary of the California Horse Racing Board, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "fifteen".

Amendment No. 2

On page 1, line 5, of said bill, strike out "thousand dollars (\$15,000)", and insert "twelve thousand dollars (\$12,000)".

Amendment No. 3

On page 1, line 12, of said bill, strike out "seven thousand dollars (\$7,000)", and insert "four thousand dollars (\$4,000)".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 433—An act to amend Section 20383 of the Education Code, and to add Section 20383.5 to said code, relating to leaves of absence of state college employees.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education :

Amendment No. 1

On page 1, line 16, of the printed bill, strike out "the rank of assistant professor or higher", and insert "a rank not lower than that of assistant professor, or the equivalent thereof in the case of a state college not ranking the members of its faculty on a professorial scale,".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 1381—An act to amend Sections 4918, 4919, 4961.1, and 4962, and to repeal Sections 4902.1, 4917.1, 4919.1, 4961, and 4963, of the Education Code, relating to the reorganization of school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1382—An act to amend Section 4901 of the Education Code, relating to the reorganization of school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1383—An act to amend Section 4941 of the Education Code, relating to the reorganization of school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1032—An act to add Section 9607.2 to the Education Code, relating to the education of minors with cerebral palsy.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 134—An act to amend Section 16484 of the Education Code, relating to school health reports.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 486—An act to amend Sections 14305, 14379, 14382, 14401, 14402, 14601, 14606, 14610, 14612, 14613, 14632, 14639, 14641, 14669, of the Education Code, and to add Section 14314 and Section 14663.1 to said code, all relating to the State Teachers' Retirement System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education :

Amendment No. 1

On page 2, line 9, of the printed bill, strike out "the Sonoma State Home, Pacific Colony", and insert "every institution maintained and operated by the Department of Mental Hygiene,".

Amendment No. 2

On page 2, line 20, of said bill, after "institution", insert "maintained and operated by the Department of Mental Hygiene".

Amendment No. 3

On page 3, line 36, of said bill, strike out "subject to the requirement that", and insert "required to render two years of service in a status requisite for membership in this Retirement System before making".

Amendment No. 4

On page 3 of said bill, beginning in line 37, strike out "shall be made within two years after the last day of service".

Amendment No. 5

On page 4, line 5, of said bill, after "unless", insert "for a person who was not on leave of absence on October 1, 1947, duly granted as required by this Section,".

Amendment No. 6

On page 4, line 6, of said bill, after "entrance", insert "prior to said date".

Amendment No. 7

On page 6, line 30, of said bill, after "System", insert a comma.

Amendment No. 8

On page 6, line 30, of said bill, strike out "retired", and insert "retires".

Amendment No. 9

On page 6 of said bill, strike out all of lines 35 to 40, inclusive, and insert
 "(1) an annuity, based upon his salary earned in service from the date of reentry into the Retirement System to the date of his subsequent retirement, and calculated under Section 14632 or 14633, as the case may be, plus (2) annuities equal to the annuities he received next preceding his reentry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after said reentry and applicable to allowances being paid at the date of the change, provided that such subsequent retirement occurs before he renders after his reentry, at least one year of service credited under the Retirement System; otherwise, plus (3) annuities based on the same salary and service as that upon which the annuities he received next preceding said reentry were based, but calculated under Section 14632 or 14633, as the case may be, on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement.

Such a member who was retired for service with credit for less than thirty years of service and at an age which resulted in a discount of his retirement salary, likewise shall not receive the full retirement salary specified in subdivision (a) of Section 14632 but shall receive (1) a retirement salary, based upon his credited service from the date of reentry into the Retirement System to the date of his subsequent retirement, and calculated under Section 14632, plus (2) a retirement salary equal to the retirement salary he received next preceding his reentry into membership, adjusted according to any change in the provisions governing the calculation of retirement allowances made after said reentry and applicable to allowances being paid at the date of the change, provided that such subsequent retirement occurs before he renders after his reentry, at least one year of service credited under the Retirement System; otherwise, plus (3) a retirement salary based on the same service as that upon which the annuities he received next preceding said reentry were based, but calculated under Section 14632 on the basis of an age, taken to the preceding completed quarter year, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement."

Amendment No. 10

On page 7 of said bill, after line 32, insert

"Sec. 17. This act shall become operative on the first day of the month next succeeding its effective date unless its effective date is the first day of a month, in which case it shall be operative on its effective date."

Amendment No. 11

In line 1 of the title of the printed bill, after "14305," insert "14307,".

Amendment No. 12

On page 1 of said bill, between lines 19 and 20, insert

"Sec. 1.1. Section 14307 of said code is amended to read:

14307. The board shall keep in convenient form such data as is necessary for the actuarial valuation of the Retirement System. In not to exceed six-year periods after June 30, 1944, the board shall make an actuarial investigation into the mortality, service, and other experience of members and beneficiaries and shall make an actuarial valuation of the assets and liabilities of the Retirement System. From time to time, the board shall determine the rates of interest being earned on the several funds. Upon the basis of any or all of such investigation, valuation, and determination, the

board shall adopt for the Retirement System such interest rates, rates of contribution to the Retirement Annuity Fund, mortality, service, and other tables as are deemed necessary. *No adjustment shall be included in new rates of annuity contribution adopted by the Retirement Board on the basis of such investigation, valuation, and determination or because of amendment to the Teachers Retirement Law, for time prior to the effective date of the adoption or amendment, as the case may be.* No action of the board, other than correction of errors in calculating the annuity at the time of retirement, shall change the annuity payable to a person retired prior to the date the action is taken."

Amendment No. 13

On page 4, line 51, of said bill, strike out "The fact that he", and on page 5 strike out lines 1 and 2.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 795—An act to add Article 6 to Chapter 1, Division 2 of the Business and Professions Code, relating to licenciates of boards within the Department of Professional and Vocational Standards and including rebate, refunds and unearned discounts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "and 651", and insert "to 653, inclusive".

Amendment No. 2

On page 1 of said bill, strike out lines 9 to 16, inclusive, and insert "refund, commission, preference, patronage dividend, unearned discount, or consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients, or customers to any person, irrespective of any membership, proprietary interest or co-ownership in or with any person to whom such patients, clients or customers are referred is unlawful."

Amendment No. 3

On page 1 of said bill, after line 25, insert "652. Violation of this article in the case of a licensed person constitutes unprofessional conduct and grounds for suspension or revocation of his license by the board by whom he is licensed, or if a license has been issued in connection with a place of business then for the suspension or revocation of the place of business in connection with which the violation occurs. In addition, any violation constitutes a misdemeanor as to any and all persons offering, delivering, receiving, accepting or participating in any such rebate, refund, commission, preference, patronage dividend, unearned discount or consideration, whether or not licensed under this division or Division 3.

653. The word "person" as used in this article includes an individual, firm, partnership, association, corporation or cooperative association."

Amendment No. 4

On page 1 of said bill, strike out lines 17 to 25, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 801—An act to amend Sections 8706, 8710, 8712, 8714, 8741, 8761, 8762, 8764, and 8784 of the Business and Professions Code, relating to the practice of land surveying.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 4, of the printed bill, after the word "for", insert "Civil and".

Amendment No. 2

On page 1, line 7, of said bill, after the word "for", insert "Civil and".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 818—An act to repeal Chapter 7 of Division 3 of and to add Chapter 7 of Division 3, comprising Sections 6700 to 6799, inclusive, to the Business and Professions Code, relating to professional engineers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1 of the printed bill, in line 3 of the title, after the phrase "relating to", insert "civil and".

Amendment No. 2

On page 1 of said bill, strike out lines 12 and 13 and insert "of chemical, civil, electrical, mechanical and petroleum engineering. It may be cited as the Civil and Professional Engineers Act."

Amendment No. 3

On page 2 of said bill, strike out lines 6 through 8, and insert

"6704. Only persons registered under the provisions of this chapter shall be entitled to take and use the title "professional engineer," and according to registration with the board the titles "civil engineer," "structural engineer," "chemical engineer," "electrical engineer," "mechanical engineer," "petroleum engineer," or "engineer-in-training," except that employees in the communication industry and employees of contractors who are engaged in work other than civil engineering, on communication equipment may, but need not, register. All persons registered with the board as civil engineers shall immediately have the right to use the title "professional engineer," by virtue of such registration without application or payment of any fee therefor."

Amendment No. 4

On page 2, line 16, of the printed bill, after the word "for", insert "Civil and".

Amendment No. 5

On page 2, line 28, of said bill, after the word "for", insert "Civil and".

Amendment No. 6

On page 3, line 33, of said bill, after the word "Chapter", insert "to Civil Engineering".

Amendment No. 7

On page 3 of said bill, strike lines 35 through 47, and insert

"6730. In order to safeguard life, health, property and public welfare, any person, either in a public or private capacity, except as in this chapter specifically excepted, who practices, or offers to practice civil engineering in any of its branches in this State, shall submit evidence that he is qualified to practice, and shall be registered as a civil engineer by the board."

Amendment No. 8

On page 4 of the printed bill, strike out lines 36 through 40, and insert:

"6734. Any person practices civil engineering when he professes to be a civil engineer or is in responsible charge of civil engineering work."

Amendment No. 9

On page 7, line 11, of said bill, strike out the phrase "practice the character", and insert "assist as a subordinate in the practice".

Amendment No. 10

On page 10 of said bill, strike out line 33, and insert

"(f) Who shall represent himself as, or use the title of, registered civil engineer, or any other title whereby such person could be considered as practicing or offering to practice civil engineering in any of its branches, unless he is qualified by registration as a civil engineer under this chapter."

Amendment No. 11

On page 10 of the printed bill, after line 36, insert

"(h) Who uses the title, or any of them, of "professional engineer," "chemical engineer," "civil engineer," "electrical engineer," "mechanical engineer," "petroleum engineer" or "structural engineer" without being registered as required by this act.

"(i) Who violates any provision of this chapter."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 125—An act to add Chapter 10, consisting of Sections 4500 to 4627, inclusive, to Division 2 of the Business and Professions Code, to amend Section 101 of the Business and Professions Code and Section 11501 of the Government Code, relating to the care of the sick or afflicted by short course nurses, to schools for instructing or training short course nurses, to students in schools for instructing or training such nurses, the administration thereof, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In lines 3 and 4 of the title of the printed bill as amended in Senate March 22, 1949, strike out ", to amend Section 101 of the Business and Professions Code and Section 11501 of the Government Code,".

Amendment No. 2

In line 8 of the title of said bill, after "nurses," insert "and".

Amendment No. 3

In lines 8 and 9 of the title of said bill, strike out ", and making an appropriation".

Amendment No. 4

On page 4, line 27, of said bill, after "Board of Practical Nurse Examiners", strike out "and", and insert ". Pursuant to the provisions of the Administrative Procedure Act, Chapter 4 of Part 1, Division 3, Title 2, of the Government Code, the board".

Amendment No. 5

On page 4, line 30, of said bill, after the period, insert "Such rules and regulations are invalid unless they are clearly consistent with this chapter and are necessary to effectuate the purpose of this chapter, and such rules and regulations must conform to a strict interpretation of this chapter. The adoption of such rules and regulations shall create no presumption of their necessity or validity."

Amendment No. 6

On page 6, line 46, of said bill, strike out "acceptable to the board,".

Amendment No. 7

On page 7, line 44, of said bill, strike out "the", and insert "a".

Amendment No. 8

On page 8 of said bill, between lines 9 and 10, insert

"Where a hearing is held under this article to determine whether an application should be granted, the proceeding shall be conducted in accordance with the Administrative Procedure Act, Chapter 5 of Part 1, Division 3, Title 2, of the Government Code, and the board shall have all of the powers granted therein."

Amendment No. 9

On page 9, line 24, of said bill, after "with", insert "the Administrative Procedure Act."

Amendment No. 10

On page 12, line 4, of said bill, insert

"4594. None of the provisions of this chapter shall apply to any school, course of instruction, or in-service training conducted by the Department of Mental Hygiene or by any state hospital or state home under its jurisdiction for the purpose of training its employees."

Amendment No. 11

On page 13 of said bill, strike out lines 20 to 22, inclusive, and insert

"4612. None of the moneys in the Board of Practical Nurse Examiners Fund shall be available for expenditure in carrying out the provisions of this chapter except such amounts thereof as are hereafter appropriated by the Legislature for specified purposes."

Amendment No. 12

On page 14 of said bill, strike out lines 15 to 50, inclusive, and on page 15, strike out lines 1 to 44, inclusive.

Amendment No. 13

On page 15, line 45, of said bill, strike out "SEC. 4.", and insert "SEC. 2."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 132—An act to amend Sections 2601 and 2619 of the Elections Code, relating to declarations of candidacy.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 191—An act to amend Sections 2896, 2897, 2898, 5713, 5901, 5911, 5931, 5932, 6550, and 7003, to add Sections 6602, 7103.5, 7133.5, 7208.5, and 7208.7 and Article 10.5, consisting of Sections 6525 to 6534, inclusive, to Chapter 6 of Division 8 and Article 1.5, consisting of Sections 7031 to 7038, inclusive, to Chapter 1 of Division 9, and to repeal Article 3a of Chapter 5 of Division 8 and Chapter 6, consisting of Sections 7791.5 to 7880, inclusive, of Division 9, all of the Elections Code, relating to elections, including provisions relating to ballots and absent voting.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Senate March 24, 1949, strike out "2896, 2897, 2898, 5713, 5901,".

Amendment No. 2

In line 2 of the title of said bill, strike out "6550, and 7003," and insert "7003, and 7791.5,".

Amendment No. 3

In line 2 of the title of said bill, strike out "6602", and insert "5911.5".

Amendment No. 4

In line 3 of the title of said bill, strike out "7133.5,".

Amendment No. 5

In line 3 of the title of said bill, strike out "and Article 10.5, consisting of"; and strike out all of line 4 of the title.

Amendment No. 6

In line 5 of the title of said bill, strike out "8".

Amendment No. 7

In line 6 of the title of said bill, strike out "and to repeal Article 3a of"; and strike out line 7 of the title.

Amendment No. 8

In line 8 of the title of said bill, strike out "tions 7791.5 to 7880, inclusive, of Division 9,".

Amendment No. 9

On page 1 of said bill, strike out lines 1 to 22, inclusive; and on page 2, strike out lines 1 to 4, inclusive.

Amendment No. 10

On page 2 of said bill, strike out lines 16 to 25, inclusive, and insert "SECTION 1. Section 5911 of the Elections Code is amended to read:."

Amendment No. 11

On page 2, line 26, of said bill, strike out "The", and insert "Except as provided in Section 5911.5 the".

Amendment No. 12

On page 3, line 3, of said bill, strike out "cause it to be presented at your", and insert "immediately return it by mail, postage prepaid, to the officer from whom it was received."

Amendment No. 13

On page 3 of said bill, strike out lines 4, 5, and 6.

Amendment No. 14

On page 3, line 9, of said bill, strike out "PRECINCT", and insert "CAN-VASSING".

Amendment No. 15

On page 3 of said bill, strike out line 14, and insert "SEC. 2. Section 5911.5 is added to said code, to read:

5911.5. In counties having a population of fourteen thousand or less according to the 1940 census, the identification envelope shall have printed on its face an affidavit substantially in the following form:

IDENTIFICATION ENVELOPE

State of _____ }
County of _____ } ss.

_____ deposes and says: I am a resident of and a voter in _____, Precinct _____, in the City or Town of _____, County of _____, State of California, and I herein enclose my ballot in compliance with Chapter 5, Division 8, of the Elections Code.

(Signature)

(Residence address)

(SEAL)

Subscribed and sworn to before me this _____ day of _____, 19____; and I hereby certify that in my presence this affiant enclosed said ballot and handed me this envelope sealed, that _____ he signed this affidavit and I acknowledged the same all in accordance with law.

(Official's signature)

(Title of officer)

Notice—After receiving this sealed envelope from the person taking your affidavit, when voting outside the office in which this ballot was issued, you must immediately return it by mail, postage prepaid, to the officer from whom it was received or cause it to be presented at your voting place on election day.

**MARKED BALLOT ENCLOSED TO BE OPENED ONLY BY
CANVASSING OR PRECINCT BOARD**

Sec. 5909, second sentence, Elections Code. "No officer of this State may make any charge for services rendered to any voter under the provisions of this chapter."

Sec. 3. Section 5931 of said code is amended to read:."

Amendment No. 16

On page 3, lines 35 and 36, of said bill, strike out "cause it to be presented at his voting place on the day of the election", and insert "dispose of it in accordance with the instructions on the identification envelope".

Amendment No. 17

On page 3, line 37, of said bill, strike out "7", and insert "4".

Amendment No. 18

On page 3 of said bill, strike out lines 40 and 41, and insert "clerk from whom they were received within six days after the date of the election in which they are to be counted; except in the counties having a population of fourteen thousand or less according to the 1940 census, those ballots which the voter causes to be returned to his voting place shall be received at such place prior to the time of the closing of the polls on the day of the election and in the case of a municipal election in a city of the fifth or sixth class in which case such ballots shall be received by the clerk not later than one hour prior to the time of the closing of the polls on the day of the election."

Amendment No. 19

On page 3 of said bill, strike out lines 42 to 51, inclusive; strike out all of page 4, and on page 5, strike out lines 1 to 11, inclusive.

Amendment No. 20

On page 5, line 12, of said bill, strike out "12", and insert "5".

Amendment No. 21

On page 5, line 20, of said bill, strike out "13", and insert "6".

Amendment No. 22

On page 5, lines 26 and 27, of said bill, strike out "This article applies to all precincts in which voting is not done on voting machines."

Amendment No. 23

On page 6, line 12, of said bill, strike out "14", and insert "7".

Amendment No. 24

On page 6 of said bill, strike out lines 16 to 20, inclusive.

Amendment No. 25

On page 6, line 21, of said bill, strike out "16", and insert "8".

Amendment No. 26

On page 6, line 25, of said bill, strike out "17", and insert "9".

Amendment No. 27

On page 6 of said bill, strike out lines 31 and 32, and insert "SEC. 10. Section 7791.5 of said code is amended to read: 7791.5. The provisions of this chapter do not apply to the canvass of absent voters' ballots returned by the voter to his voting place in counties having a population of fourteen thousand or less according to the 1940 census, or to absent voters' ballots cast at a municipal election in any city of the fifth or sixth class."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Elections.

Senate Bill No. 14—An act to add Division 3.5 to the Water Code, relating to tunnels, and providing for the licensing, inspection and approval of tunnels through water-bearing strata and preserving the rights to water flowing into such tunnel.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

On page 1, line 14, of the printed bill, after "tunnel", insert "and which is used for the transportation of water from one watershed to another".

Amendment No. 2

On page 1 of said bill, strike out lines 20 to 26, inclusive; on page 2, strike out lines 1 to 51, inclusive; and on page 3, strike out lines 1 to 13, inclusive, and insert

"CHAPTER 2. INSPECTION

6650. The department may at any time inspect any tunnel."

Amendment No. 3

On page 3, line 15, of said bill, strike out "5", and insert "3".

Amendment No. 4

On page 3, line 17, of said bill, strike out "6055", and insert "6655".

Amendment No. 5

On page 3, line 21, of said bill, strike out "6056", and insert "6656".

Amendment No. 6

On page 3, line 26, of said bill, strike out "6057", and insert "6657".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

Senate Bill No. 1092—An act to amend Section 30528 of the Water Code, relating to county water districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 30528 of", and insert "add Section 14.3 to the County Water District Act and Section 31006 to".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 4, inclusive, and insert

"SECTION 1. Section 14.3 is added to the County Water District Act, to read: Sec. 14.3. Any district formed under this act may by resolution of the board of the district spread on its minutes change the name of the district.

Certified copies of the resolution changing the name of the district shall be recorded in the office of the county recorder of every county, included in whole or in part, in the district and sent to the District Securities Commission, State Engineer and Secretary of State.

SEC. 2. Section 31006 is added to the Water Code, to read:

31006. Any district formed under the County Water District Law may by resolution of the board of the district spread on its minutes change the name of the district.

Certified copies of the resolution changing the name of the district shall be recorded in the office of the county recorder of every county, included in whole or in part, in the district and sent to the District Securities Commission, State Engineer, and Secretary of State.

SEC. 3. Section 2 of this act becomes operative only if Division 12 of the Water Code is enacted by the Legislature at its 1949 Regular Session, and in such case at the same time as said Division 12 takes effect; at which time Section 14.3 of the County Water District Act is hereby repealed."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

Senate Bill No. 435—An act to add Section 29 to the American River Flood Control District Act, relating to the acquisition of additional flood control works for operation, repair and maintenance and the assessment of property benefited by those works.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2422—An act to amend Section 19611 of the Education Code, relating to child care centers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1777—An act to amend the heading of Article 3 of Chapter 2 of Division 8 of, and to amend Section 16291 of, the Education Code, relating to the transportation of pupils.

Bill read second time, and ordered to third reading.

Assembly Bill No. 548—An act to add Article 4.5, comprising Sections 4330 and 4331, to Chapter 13 of Division 2 of the Education Code, relating to the boundaries of high school and junior college districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1073—An act to add Sections 4941.1 and 4941.2 to, and to amend Section 4951 of the Education Code, relating to government of unified school districts and the election of superintendents of schools for such districts, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 681—An act to add Section 6562 to the Business and Professions Code, relating to the practice of barbering.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 8, of the printed bill, as amended in Assembly April 1, 1949, after "diploma", insert "or certificate".

Amendment No. 2

On page 1, line 10, of said bill, strike out "certifying that any individual", and strike out lines 11 to 14, inclusive, and insert "or by any state-accredited elementary school, establishing that any individual has an eighth grade education, or its equivalent, shall be conclusive evidence of that fact and shall be accepted by the board."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Assembly Bill No. 1967—An act to amend Section 6359 of the Revenue and Taxation Code, relating to food products exempt from sales and use taxes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 294—An act to amend Section 373 of, and to add Section 373.5 to, the Elections Code, relating to indexes of registration.

Bill read second time, and ordered to third reading.

Assembly Bill No. 563—An act to amend Section 695 of the Elections Code, relating to election officer's right of absence from employment.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1349—An act to add Section 7964.5 to the Elections Code, relating to precinct boards.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2141—An act to amend Section 4533 of the Elections Code, relating to campaign statements.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2143—An act to amend Section 8007 of the Elections Code, relating to recount of ballots.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2144—An act to amend Section 330.5 of the Elections Code, relating to affidavits of registration.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2285—An act to amend Sections 7015, 7016, and 7020 of the Elections Code, relating to canvass of ballots.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2502—An act to amend Section 6050 of the Elections Code, relating to voting machines.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1538—An act to add Section 132.5 to the Elections Code, relating to registration of members of the armed forces.

Bill read second time, and ordered to third reading.

Assembly Bill No. 3101—An act to add Section 26733.5 to the Water Code, relating to irrigation districts and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 325—An act to amend Sections 2609, 2611, 2614, 2621, 2631, 2702, 2705, 2750, 2753, 2795, 2798, and 2804 of the Elections Code, relating to elections.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in Assembly March 21, 1949, after "of", insert ", and to add Section 2797.5 to".

Amendment No. 2

On page 9, after line 33, of said bill, insert

"SEC. 11. Section 2797.5 is added to said code, to read:

2797.5. A county central committee may authorize its chairman to appoint delegates to fill vacancies in the membership of party state conventions which the county central committee has power to fill."

Amendment No. 3

On page 9, line 35, of said bill, strike out "11", and insert "12".

Amendment No. 4

On page 9, line 39, of said bill, strike out "-----".

Amendment No. 5

On page 9, line 41, of said bill, strike out "making", and insert "which has the power to make".

Amendment No. 6

On page 10, line 1, of said bill, strike out "12", and insert "13".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 720—An act to amend Section 5931 of, and to add Section 5931.5 to, the Elections Code, relating to absentee voting.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 5911, 5930, and".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 5911 of the Elections Code is amended to read:

5911. The identification envelope shall have printed on its face [an affidavit] a declaration substantially in the following form:

IDENTIFICATION ENVELOPE

State of ----- }
County of ----- } ss.

----- [deposes and says] declares: I am a resident of and a voter in ----- Precinct -----, in the City or Town of -----, County of -----, State of California, and I herein enclose my ballot in compliance with Chapter 5, Division 8, of the Elections Code. I declare under the penalty of perjury that the above declarations are to the best of my knowledge and belief true and correct.

(Signature)

(Residence Address)

[(SEAL)]

Subscribed [and sworn] to before me this ----- day of -----, 19-----; and I hereby certify under the penalty of perjury that in my presence this [affiant] declarant enclosed said ballot and handed me this envelope sealed, that ---he signed this [affidavit] declaration and I [acknowledge the same all] witnessed his signature thereto in accordance with law.

([Official's signature] Signature of Witness)

([Title of officer] Address of Witness)

Notice—After receiving this sealed envelope from the person [taking] witnessing your [affidavit] declaration, when voting outside the office in which this ballot was issued, you must immediately return it by mail, postage prepaid, to the officer from whom it was received.

**MARKED BALLOT ENCLOSED TO BE OPENED ONLY BY
CANVASSING BOARD**

Sec. 5909, second sentence, Elections Code. "No officer of this State may make any charge for services rendered to any voter under the provisions of this chapter."

Any person making the declaration provided for in this section who wilfully states as true any material matter which he knows to be false is punishable by imprisonment in the state prison for not less than one nor more than fourteen years.

SEC. 2. Section 5930 of said code is amended to read:

5930. Any voter applying for and receiving an absent voter's ballot may, on any day prior to the day of election for which the ballot is to be voted, appear at the office of the clerk of the county, municipality or district in which he resides and stamp

or mark with pen or pencil, and seal his ballot under the scrutiny of that officer, and in the following manner: (a) The voter shall first display the ballot to the clerk as evidence that it is not marked, and shall then proceed to mark the ballot in the presence of the clerk, but in such manner that the officer is unable to see how it is being marked. The voter shall then fold the ballot and inclose it in the identification envelope.

(b) The voter shall then make out or cause to be made out and [swear] sign to the [affidavit] declaration printed on the face of the envelope and deliver it properly sealed to the officer before whom the ballot is marked.

(c) The officer shall then [certify] sign as a witness to the [affidavit] declaration printed on the identification envelope and after writing or stamping his name across the seal shall deposit the envelope in a safe place in his office, to be kept by him and delivered to the proper canvassing board.

SEC. 3. Section 5931 of said code is amended".

Amendment No. 3

On page 2, line 3, strike out "2", and insert "4".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 1533—An act to amend Part 2, Chapter 4, Section 18853 of the Government Code, relating to fixing of salary rates of casual and intermittent workers.

Motion to Refer Bill to Inactive File

Senator Rich moved that Senate Bill No. 1533 be placed on the inactive file.

Motion carried.

Senate Bill No. 422—An act to amend Section 2722 of the Penal Code, relating to the sale of jute goods.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—28.

NOES—None.

MOTIONS TO RECONSIDER

Senator Hulse moved to reconsider the vote whereby Senate Bill No. 422 was passed.

Postponement of Reconsideration

On motion of Senator Hulse, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 422 was passed, was continued until the next legislative day.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 249—An act to amend Section 4165 of the Public Resources Code, relating to fire protection and regulating the disposal of waste material.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 353—An act to amend Section 21 of the Fish and Game Code, relating to powers and duties of the Fish and Game Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 901—An act to amend the title and Section 3 of the Unemployment Insurance Act, relating to unemployment insurance.

Motion to Refer Bill to Inactive File

Senator Kraft moved that Senate Bill No. 901 be placed on the inactive file.

Motion carried.

Senate Bill No. 906—An act to add Section 36 to the Unemployment Insurance Act, relating to unemployment insurance.

Motion to Refer Bill to Inactive File

Senator Kraft moved that Senate Bill No. 906 be placed on the inactive file.

Motion carried.

Senate Bill No. 1545—An act to amend Section 1620 of the Welfare and Institutions Code, relating to the inspection and licensing of boarding homes, day nurseries and schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Miller, O'Gara, Parkman, Rich, Salsman, Sutton, Swing, Tenney, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 903—An act to add Section 4 to the Unemployment Insurance Act, relating to unemployment insurance.

Motion to Refer Bill to Inactive File

Senator Kraft moved that Senate Bill No. 903 be placed on the inactive file.

Motion carried.

Senate Bill No. 913—An act to amend Section 42 of the Unemployment Insurance Act, relating to unemployment insurance.

Motion to Refer Bill to Inactive File

Senator Kraft moved that Senate Bill No. 913 be placed on the inactive file.

Motion carried.

Senate Bill No. 389—An act to add Section 452.5 to the Unemployment Insurance Act, relating to unemployment compensation disability insurance.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Desmond moved a call of the Senate.

Motion carried. Time, 2.20 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1001—An act to amend Section 1352.1 of the Labor Code, relating to hours of labor for women.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dilworth, Hatfield, Hulse, Jespersen, Johnson, Kraft, O'Gara, Parkman, Powers, Rich, Sutton, Swing, Watson, and Weybret—23.

NOES—Senators Collier, Donnelly, Dorsey, Drobish, Keating, McBride, Miller, and Tenney—8.

MOTIONS TO RECONSIDER

Senator Jespersen moved to reconsider the vote whereby Senate Bill No. 1001 was passed.

Postponement of Reconsideration

On motion of Senator Jespersen, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1001 was passed, was continued until the next legislative day.

Senate Bill No. 1246—An act to amend Section 110.5 of the Business and Professions Code, relating to the Division of Administrative Procedure.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Rich, Sutton, Swing, Tenney, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1238—An act to amend Section 28128 of the Government Code and Section 428 of the Education Code, relating to compensation for public services in counties of the twenty-eighth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Rich, Sutton, Swing, Tenney, Watson, and Weybret—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 411—An act to add Chapter 7 to Division 20 of the Health and Safety Code, relating to acts affecting fire protection agencies.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended in Senate April 14, 1949, after line 23, insert

"25503. This chapter shall not be construed to impose any civil liability for violations of its provisions."

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 601—An act to add Sections 37.1 and 670.6 to, and to amend Section 141 of the Vehicle Code, relating to auxiliary dollies, the registration thereof, and brakes thereon.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1807—An act to add Section 104.65 to the Streets and Highways Code, relating to income from rental of properties acquired for highway purposes.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Sutton, Swing, Tenney, Watson, and Weybret—30.

NOES—Senator Donnelly—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1266—An act to add Sections 31454.5, 31676.1, 31676.2, 31676.3, 31676.4, 31676.5, and 31676.6, to, and to amend Section 31627 of, the Government Code, relating to service retirement of county employees.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Kraft, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 843—An act to amend Sections 470 and 474 of the Agricultural Code, relating to milk and cream.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Kraft, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1945—An act to amend Section 600 of the Agricultural Code, relating to scoring of butter.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—27.

NOES—Senator Dilworth—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 842—An act to amend Section 500 of the Agricultural Code, relating to milk and milk products inspection.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Miller, O'Gara, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 844—An act to amend Sections 260, 260.2, and 261.4 of the Agricultural Code, relating to bovine brucellosis.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 845—An act to amend Section 617 of the Agricultural Code, relating to cheese and cheese products.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—32.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.58 p.m., on motion of Senator Desmond, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 389 passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Drobish, Gibson, Hulse, Judah, Kraft, McBride, Regan, Rich, Salsman, Sutton, Swing, Ward, and Weybret—23.

NOES—Senators Breed, Collier, Dillinger, Donnelly, Dorsey, Hatfield, Jespersen, Johnson, Keating, Miller, O'Gara, Parkman, Powers, Tenney, and Watson—15.

MOTIONS TO RECONSIDER

Senator Collier moved to reconsider the vote whereby Senate Bill No. 389 was passed.

Postponement of Reconsideration

On motion of Senator Collier, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 389 was passed, was continued until the next legislative day.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 846—An act to amend Section 681 of the Agricultural Code, relating to license for testers and pasteurizers.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1015—An act to amend Section 92 of the Fish and Game Code, relating to District 22.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Regan, Salsman, Sutton, Tenney, and Watson—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 188—An act to amend Section 981.1 of the Military and Veterans Code, relating to educational assistance to veterans, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator O'Gara.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Regan, Salsman, Sutton, Tenney, and Watson—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Regan, Salsman, Sutton, Tenney, and Watson—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 159—An act to amend the title of Part 5, Division 2 of the Labor Code, relating to housing.

Bill read third time, and presented by Senator Regan.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Kraft, McBride, Miller, O'Gara, Regan, Salsman, Sutton, Tenney, and Watson—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 123—An act to amend Section 4661 of the Labor Code, dealing with workmen's compensation.

Bill read third time, and presented by Senator Regan.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Regan, Salsman, Sutton, Tenney, and Watson—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 901—An act to amend Sections 3854, 3856, and 3861 of, and to add Section 3863 to, the Labor Code, relating to attorney's fees.

Bill read third time, and presented by Senator O'Gara.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Regan, Salsman, Sutton, Tenney, and Watson—29.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 18, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointments, and respectfully request your confirmation thereof and consent thereto:

EDWARD M. SEACORD, a resident of San Jose; wholesale meat distributor; member of the California Veterans Board since May 2, 1946; to the California Veterans Board, vice self, for the term prescribed by law, ending January 15, 1953.

LOUIS H. BURKE, a resident of Montebello; attorney; member of the California Veterans Board since May 21, 1946; to the California Veterans Board, vice self, for the term prescribed by law, ending January 15, 1953.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 764—An act to amend Section 1944 of the Labor Code, relating to the employment of aliens.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jaspersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Regan, Salsman, Sutton, Tenney, and Watson—29.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 25—An act to add Article 5 to Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the State Capitol Building.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 12 and 13, of the printed bill as amended in Senate April 18, 1949, strike out "for so much thereof as may be released pursuant to", and insert "as otherwise provided in".

Amendment No. 2

On page 2 of said bill, strike out lines 6 to 15, inclusive, and insert "9108. The following space in the State Capitol and in the annex when constructed is excepted from the provisions of this article:

(a) The space now occupied by the Governor's offices in the present State Capitol Building, until such time as said space is vacated by the Governor;

(b) The first floor of the annex; and

(c) The fifth floor of the annex east of the west side of the west cross-corridor running north and south across said annex.

Such excepted space shall continue under the control of the Department of Finance. All other space in the State Capitol Building and all annexes and additions thereto, including the space referred to in subdivision (a) of this section after it is vacated by the Governor, shall be allocated from time to time by the".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**WITHDRAWAL FROM COMMITTEE OF SENATE CONSTITUTIONAL
AMENDMENT NO. 14**

Senator Tenney moved that Senate Constitutional Amendment No. 14 be withdrawn from Committee on Judiciary for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article XX, relating to oaths of office.

Resolution read.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 14, of the printed measure, after "support", insert "and defend".

Amendment No. 2

On page 1, line 15, of said measure, strike out the semicolon and insert "against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I am not pledged nor am I now a member, secretly or openly, of any organization pledged to support a foreign government against the United States in the event of hostilities; and that I do not advocate nor am I now a member of any political party or organization that advocates the overthrow of the Government of the United States, or of the State of California, by force or violence or any other unlawful means."

Amendment No. 3

On page 1 of said measure, strike out lines 16 to 27, inclusive, and on page 2, strike out lines 1 to 6, inclusive.

Amendments read, and adopted.

Resolution ordered printed, and re-referred to Committee on Judiciary.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kraft moved that Senate Bill No. 956 be taken from the inactive file for the purpose of amendment and be placed on the second reading file.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 956—An act to repeal Section 2315 of, and to amend Sections 2321 and 2322 of, the Business and Professions Code, relating to reciprocity under the chapter on medicine and surgery.

Bill read second time.

Motion to Amend

Senator Kraft moved the adoption of the following amendments:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 19, inclusive, and insert "SEC. 2. Section 2321 of the Business and Professions Code is hereby amended to read:

2321. An applicant for a reciprocity certificate, *who has been found by the board to have met all requirements of this article from which he is not expressly excepted, and whose application is based on a certificate issued by a medical licensing authority of another state, [ten] five or more years prior to the date of the filing of his application with the board, shall be required to take an oral examination to be given in accordance with the provisions of [Sections 2323 and 2324, if the board finds that he has met all the requirements of this article from which he is not expressly excepted] this article.*

SEC. 3. Section 2322 of the Business and Professions Code is hereby amended to read:

2322. An applicant, for a reciprocity certificate, whose application is based on a certificate that has been issued [ten] five or more years prior to the date of his application is filed with the board, shall comply with all the provisions of this article except the provisions of Section [2315 and] 2320.

Amendment read, and adopted.

Bill ordered printed, and to second reading.

MOTION TO RE-REFER SENATE BILL NO. 446

Senator Hugh M. Burns moved that Senate Bill No. 446 be re-referred to Committee on Finance.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 42
 Assembly Bill No. 44
 Assembly Bill No. 409
 Assembly Bill No. 588
 Assembly Bill No. 736
 Assembly Bill No. 767
 Assembly Bill No. 883
 Assembly Bill No. 884
 Assembly Bill No. 885
 Assembly Bill No. 963
 Assembly Bill No. 970
 Assembly Bill No. 1038
 Assembly Bill No. 1196

Assembly Bill No. 1268
 Assembly Bill No. 1287
 Assembly Bill No. 1497
 Assembly Bill No. 1557
 Assembly Bill No. 1629
 Assembly Bill No. 1788
 Assembly Bill No. 1870
 Assembly Bill No. 1974
 Assembly Bill No. 2275
 Assembly Bill No. 2712
 Assembly Bill No. 2764
 Assembly Bill No. 1707

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 42—An act to amend Section 730 of the Fish and Game Code, relating to California halibut.

Referred to Committee on Fish and Game.

Assembly Bill No. 44—An act to amend Section 788 of the Fish and Game Code, relating to crabs.

Referred to Committee on Fish and Game.

Assembly Bill No. 409—An act to add Section 1028 to the Government Code, relating to disqualification from office or employment as peace officers for persons convicted of felonies and prescribing fingerprint records to be made of peace officers.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 588—An act to amend Section 6511 of the Business and Professions Code, relating to barbers.

Referred to Committee on Business and Professions.

Assembly Bill No. 736—An act amending Section 5838 of the Streets and Highways Code, relating to the annexation of territory to county maintenance districts.

Referred to Committee on Local Government.

Assembly Bill No. 767—An act to amend Sections 16 and 27 of the Vehicle Parking District Act of 1943, relating to motor vehicle parking facilities.

Referred to Committee on Local Government.

Assembly Bill No. 883—An act to add Section 977 to the Fish and Game Code, relating to skates, rays, and sharks.

Referred to Committee on Fish and Game.

Assembly Bill No. 884—An act to amend Section 974 of the Fish and Game Code, relating to sand crabs and shrimps.

Referred to Committee on Fish and Game.

Assembly Bill No. 885—An act to add Section 869 to the Fish and Game Code, relating to bait nets.

Referred to Committee on Fish and Game.

Assembly Bill No. 963—An act to add Section 25252.5 to the Government Code, relating to probationer's loan funds.

Referred to Committee on Local Government.

Assembly Bill No. 970—An act to add Sections 4874, 4901.1, 4901.2, 4901.3, 4901.4, 4901.5, 4901.6, 4902.1, 4902.2, 4902.4, 4905, 4905.1, 4906, 4907, 4908, 4909, 4910, 4911.1, 4912.1, 4915.1, 4917.1, 4931.1, 4954, and 4965.1 to the Education Code; to amend Sections 4873, 4885, 4886, 4887, 4901, 4902, 4903, 4904, 4911, 4912, 4914, 4915, 4917, 4918, 4919, 4919.1, 4920, 4931, 4932, 4941, 4942, 4943, 4946, 4962, 4963, and 4964 of said code; to amend and renumber Sections 4902.1, 4912.1, 4915.1, and 4917.1 of said code; to amend the headings of Articles 2, 4, and 5 of Chapter 16 of Division 2 of said code; to repeal Sections 4881, 4882, 4883, 4884, 4886, and 4887 of said code; and to repeal Article 3 of Chapter 16 of Division 2 of said code, all relating to the reorganization of school districts.

Referred to Committee on Education.

Assembly Bill No. 1038—An act to add Division 3, comprising Sections 28000 to 28501, inclusive, to Title 4 of and Section 100007 to the Corporations Code, thereby codifying and repealing the Retirement Systems Act, and consolidating and revising the law relating to the establishment of retirement systems to provide benefits in respect to the retirement or death of members thereof, and to licensing and supervision of such retirement systems by the Commissioner of Corporations.

Referred to Committee on Judiciary.

Assembly Bill No. 1196—An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to the taxation of property.

Referred to Committee on Local Government.

Assembly Bill No. 1268—An act to amend Section 1106 of the Fish and Game Code, relating to registration of boats.

Referred to Committee on Fish and Game.

Assembly Bill No. 1287—An act to amend Sections 2135 and 2287 and to repeal Sections 2230 and 2231 of, and to add Sections 2191.6 and 2232 to, the Business and Professions Code, relating to drugless practitioners and relating to applications to the Board of Medical Examiners of the State of California for physician's and surgeon's certificate.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1497—An act to add Section 171 to the Fish and Game Code, relating to game refuges.

Referred to Committee on Fish and Game.

Assembly Bill No. 1557—An act to amend Section 690.16 of the Code of Civil Procedure, relating to exemption from execution or attachment.

Referred to Committee on Judiciary.

Assembly Bill No. 1629—An act to amend Section 18109 of the Health and Safety Code, relating to auto and trailer camps.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1788—An act to amend Section 861 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of the sixth class.

Referred to Committee on Local Government.

Assembly Bill No. 1870—An act to amend Section 3480 of the Political Code, relating to reclamation districts.

Referred to Committee on Local Government.

Assembly Bill No. 1974—An act to amend Section 29907 of the Government Code, relating to elections on county bonds.

Referred to Committee on Local Government.

Assembly Bill No. 2275—An act to amend an act entitled "An act to amend Section 5032 of the Public Resources Code, relating to Mission Bay State Park, and making an appropriation to the State Division of Beaches and Parks, Department of Natural Resources, for development, and improvement of Mission Bay Park, to take effect immediately," approved July 17, 1945, relating to the Mission Bay State Park in San Diego County, California.

Referred to Committee on Natural Resources.

Assembly Bill No. 2712—An act to amend Section 75 of the Streets and Highways Code, relating to highway planning.

Referred to Committee on Transportation.

Assembly Bill No. 2764—An act to amend Section 28380 and Section 28411, of the Health and Safety Code, and to add Section 28411.5 to the Health and Safety Code, relating to canneries.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1707—An act to add Section 7409 to the Welfare and Institutions Code, relating to the qualifications of the superintendent of a psychiatric hospital clinic in the City of Los Angeles under the control of the Department of Mental Hygiene.

Referred to Committee on Public Health and Safety.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1717

Assembly Bill No. 2030

Assembly Bill No. 1743

Assembly Bill No. 3094

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2139

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 856

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1568

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 684

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Natural Resources, to which was referred: Senate Bill No. 577

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; noes 2; absent 1.

BROWN, Vice Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Transportation, to which were referred:

Senate Bill No. 1172

Assembly Bill No. 610

Assembly Bill No. 600

Assembly Bill No. 611

Assembly Bill No. 606

Assembly Bill No. 612

Assembly Bill No. 608

Assembly Bill No. 616

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; absent 4.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Senate Bill No. 1041

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 9; absent 4.

COLLIER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Transportation, to which were referred:

Senate Bill No. 224

Assembly Bill No. 388

Senate Bill No. 254

Assembly Bill No. 1995

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 9; absent 4.

COLLIER, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 3.38 p.m., on motion of Senator Salsman, the President declared the Senate adjourned until 1.30 p.m., Wednesday, April 20, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTY-FOURTH LEGISLATIVE DAY
ONE HUNDRED EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, April 20, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names :

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day :

Senator Kraft, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. R. Havens of San Francisco.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edward L. Barrett, Jr., Associate Professor of Law, University of California, Berkeley.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Orde Pinckney, student at University of California, Berkeley.

On request of Senator O'Gara and Lt. Gov. Knight, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Eugene Prince of San Francisco.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Adaline Mitchell, Mrs. Mildred Barry, teachers, and the following eighth grade students of Lincoln Elementary School at Lincoln: Marceil Aguiar, George Ahart, Jr., Lupe Avila, Gloria Bettencourt, Walter Brown, Bernadine Cardoza, Jean Coffin, Aurelia Costa, Robert Culbertson, Shirley Farnsworth, Rudolph Fazil, Albert Fleming, Jr., Ruben Goin, Joseph Grassi, Eva Hall, Wanda Hewitt, James Hopper, Mabel Huff, Anna Lee Hutchison, Theodore Josue, Freda McClary, Aldene Murch, Margaret Ann Newcomb, Ronald Parseale, Elaine Perry, Dale Pingree, Donald Postell, Betty Solis, Mancel Spoor, Chris Wallace, Frances Williams, Lawrence Pacheco, Bill Smith, James Sewell, Patricia Andre, Mary Ann Bachman, Barbara Bradley, Melvin Butler, Annie Carranza, Eileen Conger, Franklin Costa, David Dowd, Theodore French, Rosemarie Fernandes, Charles Friend, John Gomez, Audrey Herron, Dennis Huff, Herbert Hughes, Bonnie Jackson, Carol Jones, Maxine Laurenti, Jennie Martinez, Mary Martinez, Gordon Nakagawa, Fumie Nii, Mitsuru Okamoto, Dale Petersen, Gerald Phelps, James Richardson, Diane Schmidt, James Sorensen, Wayne Vineyard, Lyle Wyatt, Marie Eagan, and Carlene Fox.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frederic H. Vercoe of San Gabriel and Paul W. Brown of Alhambra.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leon Dunning of Corcoran, Ken Frates of Lemoore and George Baldrick of Hanford.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Fred Hudson of Watsonville.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry Riley of Independence.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Blanche Palmer, teacher, and the following students of the Government Class of Modesto Union Academy of Modesto: Jacqueline Addison, Dorothy Baker, Barbara DeHart, Joy Deris, Sally Edminster, Beverly Ellis, Marna Frye, Melvin Hamp, Robert Homer, William Jacobson, Shirley Reed, George Samios, Norma Schonert, Mary West, Delmar Tonge, Marvin Wisaner, and Daisy Ulter.

On request of Senator Watson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Florence Stevens of Santa Ana.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Theolene Pohls-son Reed of San Francisco.

On request of Senators Tenney and McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. L. E. Denny of Pasadena, Hon. Norris Poulson, Congressman, 13th District of Los Angeles and Melba Montrose of San Francisco.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Ast, Member of Board of Supervisors of Colusa County, and Niel Evans, Chief of Police, of Williams.

On request of Senator Watson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gordon X. Richmond of Santa Ana.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1605

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 25

Senate Bill No. 411

Senate Bill No. 956

And reports the same correctly re-engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 286—An act to amend Section 13 of the Ventura County Flood Control Act, relating to flood control;

Senate Bill No. 560—An act to amend Section 27264 of the Government Code, relating to the recordation of land patents;

Senate Bill No. 656—An act to amend Section 6303 of the Public Resources Code, relating to state lands, granting privileges with respect thereto;

Senate Bill No. 658—An act to authorize and validate sales of state land made by the State Lands Commission during the calendar year 1948;

Senate Bill No. 660—An act to amend Section 7704 of the Public Resources Code, relating to unapproved applications for purchase of state lands;

Senate Bill No. 661—An act to amend Section 7406 of the Public Resources Code, relating to public land selections;

Senate Bill No. 663—An act to amend Section 7729 of the Public Resources Code, relative to the issuance of patents for state lands;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of April, 1949, at 4 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 664—An act to amend Section 7705 of the Public Resources Code, relating to state lands open and closed to purchase;

Senate Bill No. 665—An act to amend Section 7706 of the Public Resources Code, relating to applications for the purchase of state lands;

Senate Bill No. 671—An act to amend Section 18102 of the Government Code, relating to sick leave;

Senate Bill No. 4—An act to amend Section 28125 of the Government Code, relating to compensation for public services in counties of the twenty-fifth class;

And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of April, 1949, at 4 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 132

Senate Bill No. 1381

Senate Bill No. 134

Senate Bill No. 1382

Senate Bill No. 435

Senate Bill No. 1383

Senate Bill No. 1032

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 1312

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 18, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Assembly Bill No. 1351

Assembly Bill No. 1358

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Assembly Bill No. 498

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; noes 1; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 1261

Assembly Bill No. 1101

Senate Bill No. 1262

Assembly Bill No. 1102

Assembly Bill No. 190

Assembly Bill No. 1103

Assembly Bill No. 2841

Assembly Bill No. 1104

Assembly Bill No. 1098

Assembly Bill No. 1111

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported bills ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Finance, to which was referred:

Senate Bill No. 791

Has had the same under consideration, and reports the same back with no recommendation, for reason given below.

Committee membership 11; committee vote: Ayes 10; absent 1.

The bill has heretofore been considered by the Committee on Public Health and was sent to the Finance Committee pursuant to Subdivision 5 of Rule 12 of Senate Standing Rules, as recently amended. It has been reported to the committee that the

bill does not fall within the provisions of the foregoing Senate rule, and is therefore sent to the Senate without recommendation.

RICH, Chairman

Above reported bill ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Senate Bill No. 1378

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Finance.

Committee membership 13; committee vote: Ayes 10; noes 2; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Assembly Bill No. 908

Assembly Bill No. 2666

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 12; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 251—An act to amend Sections 16505, 16551, 16552, 16553, 16554, and 16581, and to repeal Section 16524 of, the Government Code, relating to deposits of state money in banks, declaring the urgency of this act, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 251?

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "owing", and insert "owning".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 251 by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Johnson, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—27.

NOES—None.

Above bill ordered enrolled.

Chief Assistant Secretary Cleve V. Taylor at the Desk

SECOND READING OF SENATE BILLS

Senate Bill No. 1133—An act to repeal Sections 28214, 28231, and 28232, and to amend Section 28230 of the Health and Safety Code, relating to bread and its preparation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 434—An act to add Chapter 5 to Division 3 of the Health and Safety Code, relating to the regulation of the humane use of animals for diagnosis and treatment of human and animal diseases, for research in the advancement of veterinary, dental, medical and biologic sciences, animal and human nutrition, improvement and standardization of laboratory procedures, and to provide for the issuance, suspension and revocation of licenses by the State Department of Public Health relating to the use of animals for medical research.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1, line 1, of the title of the printed bill strike out the numeral "3", and insert "2".

Amendment No. 2

On page 1, line 1, of said bill, strike out the numeral "3", and insert "2".

Amendment No. 3

On page 2, line 42, of said bill, after the word "approval", insert "on".

Amendment No. 4

On page 2, line 18, of said bill, strike out "including the source of supply of animals,".

Amendment No. 5

On page 2, line 21, of said bill, after the period, insert "The department shall not make or promulgate any rule compelling the delivery of animals for the purpose of research, demonstration, diagnosis, or experimentation."

Amendment No. 6

On page 2, line 48, of said bill, after the word "the", insert "certificate of".

Amendment No. 7

On page 2 of said bill, strike out line 22, and insert "1661. The provisions of the Administrative Procedure Act, Government Code, Title 2, Division 3, Part 1, Chapter 4,".

Amendment No. 8

On page 3, line 10, of said bill, following "Part 1," insert "Chapter 5,".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1132—An act to repeal Section 28292 and to amend Sections 28312, 28313 and to add Section 28340 of the Health and Safety Code, relating to food processing, and the regulation of food containers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "28340", and insert "28321".

Amendment No. 2

On page 1, lines 12 and 13, of said bill, strike out "the State Department of Public Health, Division of Laboratories in the manufacture of biologics", and insert "those licensed in accordance with the provisions of Chapter 4, Division 2 of the Health and Safety Code."

Amendment No. 3

On page 1, line 15, of said bill, strike out the word "good", and insert "food".

Amendment No. 4

On page 2, line 10, of said bill, strike out "28340", and insert "28321".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1568—An act to amend Section 16305 of the Government Code, relating to money held in trust by the State Treasurer as provided in Section 29 of Article IV of the Constitution of California, and to provide a support appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 6, of the printed bill, after the word "finance", insert "with the approval of the State Treasurer, and unless deposited directly in the State Treasury,".

Amendment No. 2

On page 1, line 9, of said bill, after the period, insert "The provisions of this section shall not be construed to repeal or amend any provision of law now requiring officers or employees to make daily, weekly or monthly settlements with the State Treasurer."

Amendment No. 3

On page 1, line 13, of said bill, strike out "is", and insert "in".

Amendment No. 4

On page 1, line 15, of said bill, after the word "Treasury," insert "or it may be invested and reinvested by the State Treasurer in bonds or other obligations of the United States or for which the full faith and credit of the United States are pledged, having maturity dates not more than one year from the date of such investment, or redeemable by the United States Treasury at the owners option at fixed redemption value within one year from the date of such investment. Such securities may be sold by the State Treasurer if, in his discretion such sale or exchange appear necessary so as to provide available money for the operation of this act,".

Amendment No. 5

On page 1, lines 15 and 16, of said bill, strike out "and any interest earned", and insert "any increment".

Amendment No. 6

On page 1, lines 19 and 23, of said bill, strike out the entire sentence beginning with the word "The", and ending with the word "thereto.", and insert "All state agency controlled money deposited in trust with the State Treasurer under this section shall be accompanied by duly executed copy of an advice of trust remittance to the State Treasurer, in the form prescribed by the Treasurer, a copy of which shall at the time of such deposit be forwarded forthwith by the state agency to the State Controller, who shall compile therefrom a consolidated accountability for all such money deposited with the Treasurer in trust. The Treasurer shall report daily to the State Controller, the consolidated total of all trust disbursements or investment transactions made under this section."

Amendment No. 7

On page 1 of said bill, between lines 25 and 26, insert "The provisions of this act shall become effective on July 1, 1949, however, so as to provide sufficient time to the Treasurer for application of proper administrative procedure, they shall become totally operative at the discretion of the State Treasurer on or before July 1, 1951."

Amendment No. 8

On page 1, line 27, of said bill, strike out "one", and on line 1, page 2, strike out "hundred fifty thousand dollars (\$150,000)", and insert "eighty-five thousand dollars (\$85,000)".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 684—An act to amend Sections 2, 3, 25, 26, 27, 28, and 29 of the Retirement Systems Act, relating to what constitutes a retirement system and the exemption of certain retirement systems from various provisions of the act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 3 to 8, inclusive, and insert "Sec. 2. The employees of any employer, hereinafter referred to as 'employees', or any one or more employers or any organization of employers, hereinafter referred to as the 'employer', or such".

Amendment No. 2

On page 1, line 9, of said bill, strike out "a trust or".

Amendment No. 3

On page 1 of said bill, strike out line 10, and insert "retirement system."

Amendment No. 4

On page 1 of said bill, strike out lines 11 to 14, inclusive, and insert "A retirement system is a trust formed for the purpose of providing benefits on account of members retiring by reason of age or length of service or both. Unless such retirement system".

Amendment No. 5

On page 1 of said bill, strike out line 15, and insert "shall be exempted from all or some of the provisions of".

Amendment No. 6

On page 2, line 17, of said bill, following "benefits", insert ", and may include a stock bonus or profit sharing plan".

Amendment No. 7

On page 2, line 30, of said bill, following the word "Sections", insert "2, 3,".

Amendment No. 8

On page 2, line 49, of said bill, following the word "Sections", insert "2, 3,".

Amendment No. 9

On page 3, line 5, of said bill, following the word "Sections", insert "2, 3,".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1172—An act to add Section 566 to the Vehicle Code, relating to skiing and tobogganing on or across state highways.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 577—An act to amend Section 5003.5 of the Public Resources Code, relating to highway and road easements across state park lands.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1 of the printed bill, as amended in Senate March 25, 1949, strike out line 3, and insert

"5003.5. The State Park Commission shall provide means of ingress to and egress from all state parks in order to provide ready access thereto by the public, and for that purpose shall enter into contracts or agreements with cities, counties, and other political subdivisions of the State and with other state agencies or with persons, firms or corporations for the acquisition, construction, and maintenance of suitable roads, trails, and pathways.

The State Park Commission shall provide means of ingress to and egress from all state parks in order to provide ready access to highways and roads across state parks from privately owned lands having no existing access roads and which are separated from such highways and roads by state parks; except that, it must be established by the owners of such lands that construction of roads across state parks is the most feasible and economical method of providing such access roads. The State Park Commission may utilize existing roads across state parks in providing access roads for privately owned lands. For the purpose of providing such access roads, the State Park Commission shall enter into contracts or agreements with persons, firms or corporations for the acquisition, construction, and maintenance of suitable roads, the cost and maintenance of which shall be borne by the owner or owners of such lands for which access roads are provided."

Amendment No. 2

On page 1 of said bill, strike out lines 4 to 12, inclusive.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1041—An act to repeal Sections 465.8 and 465.9 of the Vehicle Code, relating to highway name signs.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal", and insert "amend".

Amendment No. 2

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 465.8 of the Vehicle Code is amended to read:

465.8. Street and highway signs. The Department of Public Works shall determine and prescribe the standards and specifications, regarding location, kind, size, color and height, for all city street and highway name signs hereafter erected on streets or highways *within incorporated cities*.

SEC. 2. Section 465.9 of the Vehicle Code is amended to read:

465.9. Signs to conform to uniform standards. Any street or highway name sign hereafter erected on any street or highway *within any incorporated city* shall conform to uniform standards and specifications for street and highway name signs prescribed by the Department of Public Works."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 224—An act to add Sections 1128, 1129, 1130, 1131, 1132, and 1133 to the Streets and Highways Code, and to repeal Section 2692 of the Political Code, relating to the laying out of private or by-roads.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "1132, and 1133", and insert "and 1132".

Amendment No. 2

In line 3 of the title of said bill, strike out "the laying out of".

Amendment No. 3

In line 4 of the title of said bill, after "by-roads", insert "for timber access purposes".

Amendment No. 4

On page 1, line 3, of said bill, after "1128.", insert "Private or by-roads are roads opened, laid out or altered for timber access purposes at the expense of such persons as are more especially and directly interested in them, but over which any person may lawfully travel who has occasion."

Amendment No. 5

On page 1, line 19, of said bill, after the period, insert "The bond shall be further conditioned that the bondsmen will pay to the person over whose land the private or by-road is sought to be opened or altered, his necessary costs and disbursements in contesting the opening or alteration of the private or by road, in case the petition is not granted, and the private or by-road is finally not opened or altered."

Amendment No. 6

On page 1 of said bill, strike out line 24, and insert "all the costs and disbursements required by this section in the event a bond is given."

Amendment No. 7

On page 2, line 8, of said bill, after "to", insert "any".

Amendment No. 8

On page 2 of said bill, strike out lines 10 to 15, inclusive, and in line 16 strike out "Sec. 7", and insert "Sec. 6".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 254—An act to amend Section 44 of the Vehicle Code, relating to emergency vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 16, of the printed bill, after "employee", insert "designated by the State Forester or the responsible county fire officer,".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1687—An act to amend Section 24400 of the Health and Safety Code, relating to abandoned excavations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 2 of the title of the printed bill, after "excavations", insert " , declaring the urgency of this act, to take effect immediately".

Amendment No. 2

On page 1 of said bill, after line 7, insert

"SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Abandoned wells and septic tanks are particularly hazardous to children. The tragic death of Kathy Fiscus, as well as other recent deaths and serious injuries resulting from falling into abandoned excavations, demonstrates the need for immediately effective legislation to eliminate such hazards."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1717—An act to add Sections 16346, 16347, 16348, and 16349 to Article 1 of Chapter 2 of Part 2 of Division 4 of Title 2, and to amend Section 16350, of the Government Code, relating to the abolition of special funds in the State Treasury.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1743—An act to amend Sections 12460 and 12461 of the Government Code, relating to the duties of the Controller.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2030—An act to add Section 13926 to the Government Code, relating to powers of the State Board of Control.

Bill read second time, and ordered to third reading.

Assembly Bill No. 3094—An act amending Section 5 of an act entitled "An act to define and officially adopt a state-wide system of plane coordinates, to provide for uniformity in the orientation of land surveys and maps within the State of California, and permitting, but not requiring, the use thereof in surveying and mapping operations," approved July 10, 1947, relating to the state-wide system of plane coordinates.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2139—An act to add Section 1.7 to the Judges' Retirement Act and to add Section 4.7 to the Judges' Retirement Fund Act, relating to the retirement of justices and judges who served in the armed forces of the United States during war or national emergency.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended in Assembly, March 31, 1949, strike out "and to add Section 4.7 to the Judges' Retirement Fund Act".

Amendment No. 2

On page 1, line 15, of said bill, as amended in Assembly, March 31, 1949, after "thereafter," insert "The provisions of this section shall apply to any person who resigned judicial office to enter military service in time of national emergency declared by the President prior to the authorization by law of military leave; provided, such person has returned to judicial office within ninety days after his separation from military service."

Amendment No. 3

On page 1 of said bill, strike out lines 16 to 24, inclusive, and on page 2, strike out lines 1 to 11, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Assembly Bill No. 600—An act to amend Sections 35 and 515.1; to repeal Sections 35.5 and 620.5 of; and to add Sections 620.5 and 670.1 to the Vehicle Code, relating to speed limit applicable to and equipment required on motor-driven cycles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 606—An act to amend Sections 146, 175, and 185 of the Vehicle Code, relating to registration and transfer of vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 608—An act to amend Sections 271.2, 304, 307, 311, and 332 of the Vehicle Code, relating to the licensing of drivers of motor vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 610—An act to add Section 378.2 to, and to amend Sections 379 and 381 of the Vehicle Code, relating to fees for registration of motor vehicles and for issuance of operator's and chauffeur's licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 611—An act to amend Section 383 of the Vehicle Code, to amend Section 10901 of the Revenue and Taxation Code, and to amend Section 11, Chapter 788, Statutes of 1937, as amended, relating to the refund of fees collected thereunder.

Bill read second time, and ordered to third reading.

Assembly Bill No. 612—An act to add Section 383.2 to the Vehicle Code, relating to the refund of fees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 616—An act to amend Sections 452, 459.2, and 476 of, and to add Sections 454.1, 469.1, and 474.1 to the Vehicle Code, relating to the regulations of traffic on highways.

Bill read second time, and ordered to third reading.

Assembly Bill No. 388—An act to amend Section 697 of the Vehicle Code, relating to the height and length of vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 14 of the printed bill, as amended, strike out "54", and insert "60".

Amendment No. 2

In line 14 of said bill, as amended, after the word "the", insert the words "center of".

Amendment No. 3

In line 15 of said bill, as amended, after the semicolon, insert "except that said restriction of the projection of the load shall not apply to loads of semitrailers transporting poles, pipes, machinery or other objects of a nature which cannot be dismembered;"

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Assembly Bill No. 1995—An act to amend Section 444 of, to add Section 513 to, and to repeal Section 530 of, the Streets and Highways Code, relating to state highway routes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 444", and insert "Sections 303, 346, 444, and 460".

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 2

In line 1 of said bill, strike out "Section 444 of the Streets and Highways Code" and after the period following the words "SECTION 1", insert "Section 303 of the Streets and Highways Code is amended to read:

303. Route 3 is from Sacramento to the Oregon State line *via Yreka*.

[The bridge which extends across the Yuba River from the city of Marysville on the north to the State highway on the south, and the bridge which extends across the Feather River between the city of Marysville and the city of Yuba City, are parts of Route 3 and are under the supervision and control of the department which shall maintain them. In the case of the bridge and highway thereon across the Feather River, the State assumes only that obligation of maintenance imposed upon the counties of Yuba and Sutter under any contract existing on August 14, 1931, with any railroad company for the maintenance thereof. The department acting through the commission may, by resolution of the commission, at such time as the department finds it necessary and proper, relinquish the State's interest to the counties of Yuba and Sutter and thereupon the State's supervision and control over such bridge and highway thereon shall entirely revert in these counties.]

SEC. 2. Section 346 of said code is amended to read:

346. Route 46 is from a point on Route 3 near the Klamath River Bridge [on Route 3] to Route 1.

SEC. 3. Section 444 of said code".

Amendment No. 3

On page 1, line 5, of said bill, strike out "SEC. 2", and insert

"SEC. 4. Section 460 of the Streets and Highways Code is amended to read:

460. Route 160 is Highland Avenue, Los Angeles, from [Cahuenga Boulevard]

Route 2 to [Santa Monica Boulevard] Route 162.

SEC. 5."

Amendment No. 4

On page 1, line 11, of said bill, strike out "SEC. 3", and insert "SEC. 6."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

THIRD READING OF SENATE BILLS

Senate Bill No. 496—An act to amend Sections 608, 609, 613, 614, 619, 620, and 620.5 of the Agricultural Code and to add Section 612.5, relating to cheese.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Johnson, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—28.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Desmond asked for, and was granted, unanimous consent to have Senate Bill No. 11 passed on file and retain its place on file until the next legislative day.

Senate Bill No. 218—An act to amend Sections 8909, 8916, 8920, 8937, 8938, 8970, 8971, and 8975 of, to repeal Sections 8954, 8955, and 8974 of, and to add Sections 8938.1, 8938.2, 8943, 8954, 8955, 8971.5, and 8972.1 to the Business and Professions Code, relating to the regulation of yacht and ship brokers and salesmen.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Gibson, Hulse, Johnson, Mayo, McBride, Miller, O'Gara, Regan, Salsman, Swing, Tenney, Watson, Weybret, and Williams—23.

NOES—Senators Donnelly and Drobish—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 25—An act to add Section 1905 to the Government Code, relating to the State Capitol Building.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Johnson, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 45—Relative to approving amendments to the charter of the City of Porterville, a municipal corporation, in the County of Tulare, State of California, voted for and ratified

by the qualified electors of said city at the general municipal election held therein on the fifth day of April, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Johnson, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, Weybret, and Williams—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 1381—An act to amend Sections 4918, 4919, 4961.1, and 4962, and to repeal Sections 4902.1, 4917.1, 4919.1, 4961, and 4963, of the Education Code, relating to the reorganization of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Jespersen, Johnson, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1382—An act to amend Section 4901 of the Education Code, relating to the reorganization of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Jespersen, Johnson, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 18, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointments, and respectfully request your confirmation thereof and consent thereto:

BEN KOENIG, a resident of Los Angeles; attorney; member of the Social Welfare Board since January 27, 1941; to the Social Welfare Board, vice self, for the term prescribed by law, ending January 15, 1953.

JOHN C. CUNEO, a resident of Modesto; a crop duster; member of the Social Welfare Board since September 14, 1942; to the Social Welfare Board, vice self, for the term prescribed by law, ending January 15, 1953.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1383—An act to amend Section 4941 of the Education Code, relating to the reorganization of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Keating, Mayo, Miller, O'Gara, Regan, Rich, Salsman, Swing, Tenney, Watson, Weybret, and Williams—25.

NOES—Senator Desmond—1.

Bill ordered transmitted to the Assembly.

MOTIONS TO RECONSIDER

Senate Bill No. 422—An act to amend Section 2722 of the Penal Code, relating to the sale of jute goods.

Motion to Reconsider Waived

Senator Hulse waived his motion to reconsider the vote whereby Senate Bill No. 422 was passed.

Senate Bill No. 422 ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1032—An act to add Section 9607.2 to the Education Code, relating to the education of minors with cerebral palsy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Keating, Mayo, Miller, O'Gara, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 132—An act to amend Sections 2601 and 2619 of the Elections Code, relating to declarations of candidacy.

Bill read third time.

MOTION TO POSTPONE CONSIDERATION OF SENATE BILL NO. 132

Senator O'Gara moved that further consideration of Senate Bill No. 132 be postponed until an opinion is obtained from the Legislative Counsel regarding the constitutionality of said bill.

Roll Call Demanded

Senators O'Gara, Miller, and Desmond demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Breed, Collier, Coombs, Cunningham, Dillinger, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Powers, Salsman, and Swing—17.

NOES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Desmond, Dilworth, Donnelly, Gibson, Hatfield, Hulse, McBride, Parkman, Regan, Rich, Tenney, Ward, Watson, Weybret, and Williams—21.

Secretary J. A. Beek at the Desk

FURTHER CONSIDERATION OF SENATE BILL NO. 132

Previous Question

Senator Rich moved the previous question.

Motion carried.

The question being on the final passage of Senate Bill No. 132.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Mayo, McBride, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—Senators Dillinger and Miller—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 435—An act to add Section 29 to the American River Flood Control District Act, relating to the acquisition of additional flood control works for operation, repair and maintenance and the assessment of property benefited by those works.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Swing, Tenney, Ward, and Weybret—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1431—An act to amend Sections 7621, 7622, 7623, 7624, 7650, 7654, 7681, 7682, 7691, 7692, 7720, and 7721 of the Labor Code; to amend and renumber Sections 7722, 7723, and 7724 of said code; and to add Sections 7722, 7724, and 7725 to said code; all relating to regulation of and inspection of tanks and boilers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, and Weybret—31.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTIONS TO RECONSIDER (RESUMED)

Senate Bill No. 389—An act to add Section 452.5 to the Unemployment Insurance Act, relating to unemployment compensation disability insurance.

Motion to Reconsider Senate Bill No. 389

Pursuant to his motion previously made, Senator Collier moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 389 was passed.

The roll was called, and Senate Bill No. 389 refused consideration by the following vote:

AYES—Senators Hugh M. Burns, Collier, Coombs, Crittenden, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Jespersen, Keating, Mayo, Miller, O'Gara, Powers, Regan, and Tenney—17.

NOES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Cunningham, Desmond, Dilworth, Gibson, Johnson, Judah, McBride, Parkman, Rich, Salsman, Sutton, Swing, Ward, Watson, Weybret, and Williams—21.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 485

Senator Hatfield moved that Senate Bill No. 485 be withdrawn from Committee on Agriculture for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 485—An act to add Chapter 1a to Division 2 to, and to repeal Section 150 of, the Agricultural Code, relating to agricultural pest control operators.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended in Senate April 18, 1949, strike out lines 20 to 26, inclusive, and insert "be accompanied by a fee of fifteen dollars (\$15). Each applicant shall further satisfy the director of his character, qualifications, responsibility, and good faith in seeking to carry on the business of pest control."

In the case of those conducting pest control by means of aircraft, an additional fee of twenty-five dollars (\$25) shall accompany the application. Each such applicant shall pass an examination to demonstrate to the director his ability to conduct pest control operations and his knowledge of the nature and effects of materials used in pest control."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 637

Senator O'Gara moved that Senate Bill No. 637 be withdrawn from Committee on Transportation for purpose of amendment, and be referred to Committee on Public Utilities.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 637—An act to amend Section 1 of the Highway Carriers Act, relating to highway carriers.

Bill read second time.

Motion to Amend

Senator O'Gara moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 1", and insert "Sections 1, 2 and 3".

Amendment No. 2

In line 2 of the title of said bill, after "carriers", insert "providing for the regulation of the transportation of motor vehicles by means of driveway service."

Amendment No. 3

On page 1, line 22, of said bill, after "vehicles", insert ", or by means of drive away service".

Amendment No. 4

On page 2, line 28, of said bill, strike out "any", and insert "every".

Amendment No. 5

On page 2 of said bill, after line 40, insert

"(j) The term "driveaway service" when used in this act means the transportation of one or more vehicles with motive power furnished by one or more of the vehicles being transported.

SEC. 2. Section 2 of the Highway Carriers Act is amended to read:

Sec. 2. No highway carrier other than a highway common carrier shall engage in the business of the transportation of property for compensation by motor vehicle or *driveaway service* over any public highway in this State, except in accordance with the provisions of this act, which the Legislature hereby declares to be enacted under the power of the State to regulate the use of public highways.

SEC. 3. Section 3 of the Highway Carriers Act is amended to read:

Sec. 3. Except as hereinafter provided, no highway carrier, other than a highway common carrier, shall engage in the business of transportation of property for compensation by motor vehicle or *driveaway service* on any public highway in this State without first having obtained from the Railroad Commission a permit authorizing such operation. Any highway carrier desiring a permit to operate hereunder as a highway carrier other than a highway common carrier, shall file a petition therefor with the Railroad Commission. Such petition shall set forth the name and address of the applicant; the names and addresses of its officers, if any; full information concerning the financial condition and physical properties of applicant; and such other information necessary to the enforcement of this act, as the Railroad Commission may require. Except as otherwise provided in this act, a permit must be issued by the commission upon compliance with this act. Any operating permit not exercised for a period of one year shall lapse and terminate."

Amendments read, and adopted.

Bill ordered printed, and referred to Committee on Public Utilities.

CONSIDERATION OF DAILY FILE (RESUMED)**MOTIONS TO RECONSIDER (RESUMED)**

Senate Bill No. 1001—An act to amend Section 1352.1 of the Labor Code, relating to hours of labor for women.

Motion to Reconsider Postponed

Senator Jespersen moved to postpone his motion to reconsider the vote whereby Senate Bill No. 1001 was passed until the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Jespersen, Judah, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—31.
NOES—None.

Motion to Take Bill From the Inactive File

Senator Desmond moved that Assembly Bill No. 607 be taken from the inactive file and placed on the second reading file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 677

Senator Williams moved that Senate Bill No. 677 be withdrawn from Committee on Fish and Game for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 677—An act to add Section 1159 to the Fish and Game Code, relating to the establishment of cooperative hunting areas.
Bill read second time.

Motion to Amend

Senator Williams moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 16 and 17, of the printed bill, strike out "grant and revoke permits for hunting in such areas and".

Amendment No. 2

On page 1, lines 20 and 21, of said bill, strike out "The commission may set and collect a daily fee from permit hunters to provide for costs of supervision.", and insert "The owner or lessee of a cooperative hunting area may collect a daily fee not to exceed \$2 per day per hunter from permit hunters."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 336

Senator Judah moved that Senate Bill No. 336 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 336—An act to add Section 20334.1 to the Government Code, relating to exclusions from membership in the State Employees' Retirement System.

Bill read second time.

Motion to Amend

Senator Judah moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after the word "act", insert "to amend Section 20361 of, and".

Amendment No. 2

On page 2 of said bill, between lines 4 and 5, insert

"SEC. 2. Section 20361 of the Government Code is amended to read:

20361. An elective officer is excluded from membership in this system unless he files with the board an election in writing to become a member. He may so elect at any time, and has the option of making contributions to this system in the amount which he would have contributed had he not been so excluded. If he affirmatively exercises the option:

(a) He shall receive credit for prior service in the same manner as if he had not been excluded, and

(b) The contributions of the State, or the contracting agency, because of his membership, shall be the same as they would have been had he not been excluded, and

(c) His rate of contribution shall be based on the nearest age at the time he first was excluded.

As used in this part, "elective officer" includes any official of the Senate or Assembly who is elected by vote of the members of either or both of such houses of the Legislature, as well as officers of the State or contracting agencies elected by the people."

Amendment No. 3

On page 2, line 5, of said bill, strike out "2", and insert "3".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill No. 1777—An act to amend the heading of Article 3 of Chapter 2 of Division 8 of, and to amend Section 16291 of, the Education Code, relating to the transportation of pupils.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Donnelly, Dorsey, Drobish, Jespersen, Keating, Mayo, Miller, Powers, Salsman, Sutton, Tenney, Ward, Watson, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 548—An act to add Article 4.5, comprising Sections 4330 and 4331, to Chapter 13 of Division 2 of the Education Code, relating to the boundaries of high school and junior college districts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Judah, Keating, Mayo, Miller, Powers, Salsman, Sutton, Tenney, Ward, Watson, and Williams—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1967—An act to amend Section 6359 of the Revenue and Taxation Code, relating to food products exempt from sales and use taxes.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Judah, Keating, Mayo, Miller, Powers, Salsman, Sutton, Tenney, Ward, Watson, and Williams—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 294—An act to amend Section 373 of, and to add Section 373.5 to, the Elections Code, relating to indexes of registration.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Judah, Keating, Mayo, Miller, Powers, Salsman, Sutton, Tenney, Ward, Watson, and Williams—21.

NOES—None.

Bill ordered transmitted to the Assembly.

APPOINTMENTS TO THE SOCIAL WELFARE BOARD

STATE OF CALIFORNIA, DEPARTMENT OF SOCIAL WELFARE

SACRAMENTO, April 20, 1949

*The Honorable Goodwin Knight**President of California State Senate
State Capitol, Sacramento, California*

DEAR SIR: I have the honor to present the name of Mr. Albert L. Christopher for appointment to the State Social Welfare Board under the provisions of Article XXV of the State Constitution:

Mr. Christopher, a ranch owner, lives in Morgan Hill, California. He is a member of the California Farmers Inc., a Director of the Santa Clara County Fair, Vice President of the California State Grange, and a former County Supervisor of Santa Clara County.

Respectfully submitted,

MYRTLE WILLIAMS, Director
Department of Social Welfare

Appointment read, and referred to Committee on Rules.

STATE OF CALIFORNIA, DEPARTMENT OF SOCIAL WELFARE

SACRAMENTO, April 20, 1949

*The Honorable Goodwin Knight**President of California State Senate
State Capitol, Sacramento, California*

DEAR SIR: I have the honor to present the name of Dr. Frederick A. Smith for appointment to the State Social Welfare Board under the provisions of Article XXV of the State Constitution:

Dr. Frederick A. Smith (Th.D.) is a Lutheran Minister, an Executive Director Lutheran Church Welfare Council of Southern California, Retiring President of the Protestant Church Federation Welfare Board, Chairman Southern California Council of Churches, Committee on Institutional Work, Member and Secretary of the Committee of Church Cooperation, appointed by Los Angeles Board of Supervisors, Vice Chairman State of California Commission on Resettlement of Displaced Persons appointed by the Governor, was 10 years Senior Chaplain Philadelphia County Prison System, is a Lutheran Minister and during World War II was head of Lutheran Service Center doing liaison work between Naval Chaplains and the Lutheran Church.

Respectfully submitted,

MYRTLE WILLIAMS, Director
Department of Social Welfare

Appointment read, and referred to Committee on Rules.

STATE OF CALIFORNIA, DEPARTMENT OF SOCIAL WELFARE

SACRAMENTO, April 20, 1949

*The Honorable Goodwin Knight**President of California State Senate
State Capitol, Sacramento, California*

DEAR SIR: I have the honor to present the name of Wilbur J. Bassett for appointment to the State Social Welfare Board under the provisions of Article XXV of the State Constitution:

Mr. Wilbur J. Bassett, Secretary and Treasurer of the Los Angeles Central Labor Council for the past six years, International Representative of the Allied Printing Trades for twenty years, is a Representative of Labor on Boards and Committees of Community Welfare Federation, Metropolitan Welfare Council, Protestant Church Federation, American Red Cross, and member of the Press Club of Los Angeles.

Respectfully submitted,

MYRTLE WILLIAMS, Director
Department of Social Welfare

Appointment read, and referred to Committee on Rules.

STATE OF CALIFORNIA, DEPARTMENT OF SOCIAL WELFARE

SACRAMENTO, April 20, 1949

*The Honorable Goodwin Knight**President of California State Senate
State Capitol, Sacramento, California*

DEAR SIR: I have the honor to present the name of Mrs. Hazel Hurst for appointment to the State Social Welfare Board under the provisions of Article XXV of the State Constitution:

Mrs. Hazel Hurst is a blind person. She is a protege of Rotary International who provided for her education and travel. She has spent her life in social welfare work for the blind and traveled abroad to learn all new methods and techniques. She is a

graduate of Columbia University, New York; and she is the founder of Hazel Hurst Foundation, famous school for the blind in Pasadena, of whose board of directors include such men as Dr. Millikan of Cal. Tech., Dr. Von Kleinsmid, U.S.C., and other notables. She is married and has two children. Her husband is the Vice President of the National Junior Chamber of Commerce.

Respectfully submitted,

MYRTLE WILLIAMS, Director
Department of Social Welfare

Appointment read, and referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 247
Assembly Bill No. 465
Assembly Bill No. 646
Assembly Bill No. 848
Assembly Bill No. 956
Assembly Bill No. 1028
Assembly Bill No. 1139
Assembly Bill No. 1376
Assembly Bill No. 1509
Assembly Bill No. 1510
Assembly Bill No. 1511

Assembly Bill No. 1836
Assembly Bill No. 1900
Assembly Bill No. 1941
Assembly Bill No. 2345
Assembly Bill No. 2899
Assembly Bill No. 2980
Assembly Bill No. 3041
Assembly Bill No. 3095
Assembly Bill No. 3112
Assembly Bill No. 2783

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 247—An act to amend Section 28121 of the Government Code, relating to compensation for public services in counties of the twenty-first class.

Referred to Committee on Local Government.

Assembly Bill No. 465—An act to amend Section 1752.2 of the Welfare and Institutions Code and to add Section 5058.1 to the Penal Code, relating to leaves of absences of employees required by the State Personnel Board to possess teaching certificates, to attend educational sessions.

Referred to Committee on Education.

Assembly Bill No. 646—An act to amend Section 7408 of the Education Code, relating to school district bond elections.

Referred to Committee on Education.

Assembly Bill No. 848—An act to add Section 13841.3 to the Education Code, relating to leaves of absence for employees of school districts.

Referred to Committee on Education.

Assembly Bill No. 956—An act to amend Sections 14267, 14479, 14521, 14601, 14606, 14631, 14632, 14635, 14636, 14637, and 14640 of, to repeal Section 14608 of, and to add Article 10.1 to, Chapter 14 of Division 7 of, the Education Code, relating to the State Teachers' Retirement System.

Referred to Committee on Education.

Assembly Bill No. 1028—An act to add Section 4025 to the Penal Code and to repeal Section 25360 of the Government Code, relating to the management of county and city detention facilities.

Referred to Committee on Local Government.

Assembly Bill No. 1139—An act to add Section 459.6 to the Vehicle Code, relating to vehicles exempted from registration and operators' and chauffeurs' licenses.

Referred to Committee on Transportation.

Assembly Bill No. 1376—An act to amend Section 27164 of the Streets and Highways Code, relating to bridge and highway districts, and to the acquisition and construction of property thereby.

Referred to Committee on Local Government.

Assembly Bill No. 1509—An act to amend Section 14702 of the Education Code, relating to school district retirement plans, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 1510—An act to amend Section 16255 of the Education Code, relating to the transportation of pupils.

Referred to Committee on Education.

Assembly Bill No. 1511—An act to amend Section 16252 of the Education Code, relating to the letting of contracts.

Referred to Committee on Education.

Assembly Bill No. 1836—An act to amend Section 107 of the Welfare and Institutions Code, and to add Sections 18598, 18599, and 31700.5 to the Government Code, relating to employees of the Department of Social Welfare, and retirement rights in county retirement systems of former county employees performing functions assumed by the State, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1900—An act to amend Sections 20025, 21250, and 21251 of, and to add Sections 20024.1 and 20685 to, the Government Code, relating to the State Employees' Retirement System, the contributions required thereunder, and the benefits payable therefrom, and providing for the refund or other disposition of certain optional contributions by state members of said system.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1941—An act to amend Sections 4740, 4741, 4742, 4744, 4748, 4760, and 4761 of the Health and Safety Code, relating to refuse collection and disposal by county sanitation districts.

Referred to Committee on Local Government.

Assembly Bill No. 2345—An act to amend Sections 26821, 26822, 26823, 26824, 26826, 26827, 26828, 26829, 26830, 26831, 26832, 26833, 26837, 26838, 26839, 26841, 26842, 26843, 26844, 26845, 26846, 26847,

26848, 26849, 26850, 26851, and 26852 of the Government Code, relating to fees of county clerks.

Referred to Committee on Local Government.

Assembly Bill No. 2899—An act to amend Section 418 of the Education Code, relating to compensation of the county superintendent of schools in a county of the eighteenth class.

Referred to Committee on Education.

Assembly Bill No. 2980—An act to amend Section 24402 of the Education Code, relating to community recreation.

Referred to Committee on Education.

Assembly Bill No. 3041—An act to add Section 6915 to the Health and Safety Code, relating to sanitary districts.

Referred to Committee on Local Government.

Assembly Bill No. 3095—An act to amend Section 3453 of the Political Code, relating to reclamation districts.

Referred to Committee on Local Government.

Assembly Bill No. 3112—An act to establish the line of ordinary high tide in Avalon Bay, in Los Angeles County, California, in conformity with a certain decree of the Superior Court of the State of California, in and for the County of Los Angeles, establishing said line of ordinary high tide.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2783—An act to amend Section 13 of an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties for the prevention or alleviation of unemployment through the construction of public works in which there is a state interest, and providing the procedure for making such allocations, and for assignment of such allocations," passed over Governor's veto, February 13, 1946; otherwise known as "Construction and Employment Act"; relating to projects in which there is a state interest.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred: Senate Bill No. 574

Assembly Bill No. 556

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 851

Assembly Bill No. 243

Senate Bill No. 1489

Assembly Bill No. 1000

Assembly Bill No. 144

Assembly Bill No. 2295

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Senate Bill No. 972

Senate Bill No. 975

Assembly Bill No. 1470

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

MCBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Senate Bill No. 711

Assembly Bill No. 1319

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

MCBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which was referred:

Senate Bill No. 1284

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

MCBRIDE, Chairman

Above reported bills ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which was referred:

Senate Bill No. 1131

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which were referred:

Assembly Bill No. 214

Assembly Bill No. 874

Assembly Bill No. 871

Assembly Bill No. 876

Assembly Bill No. 872

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

HATFIELD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which were referred:

Assembly Bill No. 881

Assembly Bill No. 882

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

HATFIELD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which were referred:

Assembly Bill No. 1180

Assembly Bill No. 2212

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

HATFIELD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which was referred:

Senate Bill No. 742

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

HATFIELD, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 4.25 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Thursday, April 21, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTY-FIFTH LEGISLATIVE DAY

ONE HUNDRED NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, April 21, 1949

The Senate met at 1.30 p.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank W. Shaw, Richard Gravelle, James McAdam, and Lawrence E. Driscoll of San Francisco, John Pollara of Richmond, and Frank Vorsatz of Daly City, Herbert Brown of Oakland, Murville Abels and John Crocker of San Francisco, members of St. Ives Law Club of University of San Francisco.

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arthur Huston, Jr., of Woodland.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harold A. Haigh, Judge W. L. Woods, and Jerome A. Browning of Tehachapi.

On request of Senator Watson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Legg of Downey.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Margery Griffin of Richmond.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. John Carmichael of El Cajon, parents of Margaret Sweeney, Mr. and Mrs. Johnson of San Diego.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Fred Huntington and Mrs. Vern Chamberlain of Oroville, Charles Palmerlee of Inglewood, and H. Boardman Drobish of Bangor.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chester A. Talbott of Ceres, Royle Leighton of Keyes, Abner M. Crowell and Paul W. Carlson of Turlock, Kenneth Beard and Ian Mensinger of Modesto.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to: Walter Haluk, Shelby Hodapp, of San Francisco; Charles Furbush, Harry Cromwell, Roger Atkinson, Charles Safarik, of Los Angeles; Frank Nicol, Richard Morris, Robert Foster, Charles Disharoon, of San Francisco; Harry Smith, Fresno; and Paul Holme, Sacramento.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack C. Goodwin, Principal and the following seventh and eighth grade students of the Penryn Grammar School of Penryn: Seventh Grade—Chester Yamada, Donald Sasabuche, Helen Rhoads, Ronald Johnson, Edward Horton, Shirley Temple, Eddie Dwarte, Patty Smith, Marjorie Baker, Norman Card, Pete Bailey, Bobby McAllister, Akio Seo, Clarence Sanderson, Russel Baker, Wayne Page, Buddy Spurgeon, and Norman Van Zant, Eighth Grade—Iaka Seo, Joe Romos, Lily Yoskikawa, Amy Maeda, Paul Nakaskma, Porky Yokota, Shiro Maeda, Robert Harrison, George Kostonka, Nelly Wong, Koyi Watamabe, June Yoskikawa, Paul Wong, Frances Carral, Jean Sakauge, Harvey Yoskiznke, Joan Rhoads, Mae Delle Jeter, and Mary Tandmoto.

On request of Senator Hugh M. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ray Adams, Barbara Wynkie and Earl Fenston of Fresno.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Steve Fedi of Stockton.

On request of Senators Busch and Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Arthur Cohen of Santa Rosa.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leslie Scott of Visalia and Ray MacMahon of Los Angeles.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fred B. Ortman, Edgar B. Jessup, Dr. R. K. Cutter, T. T. Arden, Burton N. Arnds, Sr., James Mayer, F. B. DeLong, William A. DeRidder, F. O. Fernstrom, W. Keith McAfee, K. T. Norris, John Parker, L. D. Pratt, William B. Tyler, and George Davidson, members of California Manufacturers Association.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 33
Senate Bill No. 382
Senate Bill No. 392
Senate Bill No. 567

Senate Bill No. 692
Senate Bill No. 819
Senate Bill No. 1283
Senate Bill No. 1484

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 28

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 38
Senate Bill No. 61
Senate Bill No. 78
Senate Bill No. 82
Senate Bill No. 144
Senate Bill No. 268
Senate Bill No. 321
Senate Bill No. 371
Senate Bill No. 467
Senate Bill No. 550
Senate Bill No. 552
Senate Bill No. 691
Senate Bill No. 704
Senate Bill No. 736
Senate Bill No. 780
Senate Bill No. 782
Senate Bill No. 855
Senate Bill No. 859
Senate Bill No. 861
Senate Bill No. 862

Senate Bill No. 974
Senate Bill No. 977
Senate Bill No. 1082
Senate Bill No. 1083
Senate Bill No. 1084
Senate Bill No. 1085
Senate Bill No. 1086
Senate Bill No. 1087
Senate Bill No. 1088
Senate Bill No. 1089
Senate Bill No. 1090
Senate Bill No. 1091
Senate Bill No. 1094
Senate Bill No. 1095
Senate Bill No. 1099
Senate Bill No. 1111
Senate Bill No. 1118
Senate Bill No. 1280
Senate Bill No. 1379

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 188
Assembly Bill No. 1015

Assembly Bill No. 1945
Assembly Bill No. 843

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 434

Senate Bill No. 1041

Senate Bill No. 577

Senate Bill No. 1132

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1133

Senate Bill No. 1172

Senate Bill No. 791

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 20, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Senate Bill No. 475

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

MOTION TO PRINT OPINION OF THE LEGISLATIVE COUNSEL

Senator Tenney moved that the following opinion by the Legislative Counsel relative to the constitutionality of Senate Bill No. 132 be printed in the Journal.

Motion carried.

Opinion of the Legislative Counsel

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, April 20, 1949

Hon. Jack B. Tenney
Senate Chamber

Constitutionality of Senate Bill No. 132, as amended April 11, 1949—No. 6097

DEAR SENATOR TENNEY: Senate Bill No. 132, as amended in Senate April 11, 1949, provides that a declaration of candidacy by a candidate shall include an oath to the effect that the candidate does not advocate or belong to an organization which advocates or which has as one of its objectives the violent overthrow of the Government of the United States or the State of California.

This amendment to the election laws in our opinion is constitutional.

Under Article II, Section 2½, of the Constitution of the State of California, the Legislature "shall have the power to enact laws relative to the election of delegates to conventions of political parties; and shall enact laws providing for direct nomination of candidates for public office, * * *"

In *Henry V. Jordan* (179 Cal. 24) the court stated: "Under Article II, Section 2½ of the Constitution, the Legislature has the right to prescribe tests and conditions for candidates as well as electors."

Thus the Legislature would seem to have the power to enact laws governing the candidacy for office as long as those laws have a rational basis. In *Community Party v. Peck* (20 Cal. 2d 536, 551) the court in determining that certain laws enacted by the Legislature affecting the election laws were constitutional, stated:

"This power [the Legislature's power to prescribe tests and conditions for participation in primary elections] certainly includes the right to adopt tests designed to exclude those political parties advocating the overthrow of the government by unlawful means or those parties carrying on a program of sabotage, force and violence, sedition or treason. Such groups constitute an immediate threat to the functioning of our institutions, including the continued exercise of

the right of suffrage. Since it is within the power of the State as to such groups to restrict even the rights of free speech and free press. * * * (citing cases) * * * it clearly was within the reasonable bounds of the Legislature's power to determine that these bodies should also be barred from the primary election ballot. Under such circumstances we have no doubt that the Legislature's power to exclude parties and individuals from participation in a primary election extends to those groups whose political beliefs create a clear danger to the continued existence of the institutions under which our constitutional form of government functions." (Italics ours.)

In *Barsky v. United States* (167 Fed. 2d 241, page 246), the court stated:

"This existing machinery of government has the power to inquire into potential threats to itself * * * for the basic reason that having been established by the people as an instrumentality for the protection of the rights of the people it has an obligation to its creators to preserve itself * * *"

In view of the above cases this bill, as amended, would seem constitutional as it seems to be clearly within the powers of the Legislature to protect the government of this State and of the United States by preventing those persons who can not swear that they do not advocate the violent overthrow of the government or are not pledged to support foreign governments in event of hostilities with the United States or are not members of an organization which so advocates, from becoming candidates for public office.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By HARRY J. ENGLEBRIGHT, Deputy

Copy to authors of S.B. 132 pursuant to Joint Rule 34.

REQUEST FOR UNANIMOUS CONSENT

Senator Dillinger asked for, and was granted, unanimous consent to have the following explanation of his vote on Senate Bill No. 132 printed in the Journal:

Explanation of Vote on Senate Bill No. 132, by Senator Dillinger

I am not a Communist sympathizer and never was. If this bill would retard Communism in any degree, I would be for it, but it does not. In fact, it aids Communism in two important particulars.

It requires a candidate to swear that he is not affiliated with any party that advocates overthrow of our Government "by force and violence". A Communist could sign such an affidavit with impunity, because the Communist Party claims that they do not advocate "force and violence". Any one who does, of course, could be sent to prison under our present laws. Whether they do so advocate force and violence is another matter. Or he could say "I was a Communist until yesterday, but have now left the party" as one may leave the Democratic or Republican Party at any time. In his heart he may still be a Communist, but we cannot put a stethoscope to his head and check his thoughts. He could later return to the party, as any one may return to any party.

The really serious aspect is that it really aids the Communists by giving them a great deal of publicity and by enabling them to pose as persecuted, both of great aid and value to them.

A question of constitutionality was raised and a motion to wait for an opinion from the Legislative Counsel was lost by only four votes. For the reasons given, I voted against the bill.

SENATOR DILLINGER

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1312—An act to amend Section 3480 of the Political Code, relating to special bonds of reclamation districts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "special bonds of".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1378—An act making an appropriation to the Department of Agriculture for maintenance of highway inspection stations for fruits, nuts, and vegetables.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 3 of the title of the printed bill, as amended, immediately preceding the period, insert ", to take effect immediately".

Amendment No. 2

On page 1, line 3, of said bill, as amended, strike out "for maintenance", and insert "in augmentation of Item 39 of the Budget Act of 1949 for support of said department in maintaining and operating".

Amendment No. 3

On page 1 of said bill, as amended, after line 5, insert "SEC. 2. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 1261—An act to amend Section 6b of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1262—An act to add Section 274e to the Code of Civil Procedure, relating to phonographic reporters for certain municipal courts; fees.

Bill read second time, ordered engrossed, and to third reading:

Senate Bill No. 574—An act to add Chapter 3.5, comprising Sections 26880 to 26884, inclusive, to Part 3, Division 2, Title 3 of the Government Code, relating to the county controller.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "26884", and insert "26885".

Amendment No. 2

On page 2 of said bill, after line 8, insert

"26885. The provisions of this chapter shall become operative only upon their adoption by a resolution passed by a unanimous vote of the board of supervisors at a regular meeting at which all members are present. This resolution may be repealed by the board of supervisors at any time by a three-fifths vote."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 851—An act to amend the title and Sections 1, 2, 3, 15, and 16 of the Sanitation and Sewer Revenue Bond Act of 1941, relating to the financing of revenue-producing enterprises by municipalities.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1489—An act to amend Sections 28118 of the Government Code, relating to compensation for public services in counties of the eighteenth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 972—An act to add Section 704.7 to the Insurance Code, relating to the denial, suspension and revocation of certificate of authority to insurers.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended in the Senate on April 14, 1949, after the word "revoke", and before the article "a", insert "in whole or in part,".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 975—An act to add Sections 922.1, 922.2, 922.3, 922.4, and 922.5 to the Insurance Code, relating to the credits which may be taken by an insurer against loss and unearned premium reserves as the result of reinsuring the whole or a portion of its business and the allowance as admitted assets of certain accounts receivable from reinsurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 2, line 5, of the printed bill, as amended in Senate April 14, 1949, strike out the word "offset", and insert "affect".

Amendment No. 2

On page 2 of said bill, as so amended, between lines 7 and 8, insert "Sections 922.3 and 922.4 shall not apply to reinsurance ceded to an alien reinsurer which complies with Article 2, Chapter 4 of this part and includes in the statements required by that article all reserves and liabilities arising out of such reinsurance."

Amendment No. 3

On page 2, line 30, of said bill, as so amended, after the word "give", and before the word "notice", insert "written".

Amendment No. 4

On page 2, line 31, of said bill, as so amended, after the word "insurer", but before the comma, insert "indicating the policy or bond reinsured".

Amendment No. 5

On page 4, line 23, of said bill, as so amended, strike out the word "from".

Amendment No. 6

On page 4, lines 33 and 34, of said bill, as so amended, strike out "December 31, 1949", and insert "June 30, 1950".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 711—An act to amend Sections 10310, 10270.95, and 10291.5 of, to repeal Section 12957 of, and to add Section 10310.5 to the Insurance Code, relating to disability insurance policies.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1284—An act to add Section 10270.96 to the Insurance Code, relating to group disability insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 and 4, and insert "10270.96. Until January 1, 1954, group disability policies may be issued or endorsed to provide".

Amendment No. 2

On page 1, line 8, of said bill, strike out the period, and insert ". except that where payments in respect of one injury or illness would reduce the maximum payable in respect of another injury or illness, the consent of the certificate holder shall be first obtained."

Amendment No. 3

On page 1, line 9, of the printed bill, strike out "of insurance".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 1131—An act to amend Sections 26472 and 26586 of the Health and Safety Code, and to add Sections 26606 and 26625 to said code, relating to the California Pure Food Act and its administration.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 1 of the title of the printed bill, after "26472", insert ", 26541, 26542,".

Amendment No. 2

On page 2 of said bill, between lines 28 and 29, insert

"SEC. 2. Section 26541 of the Health and Safety Code is amended to read:

26541. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the board shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. All definitions and standards promulgated pursuant to this chapter shall not in any instance require a higher standard than the standards required pursuant to the definitions currently promulgated by the Federal Security Agency, Food and Drug Administration or by the *Animal Foods Inspection Division of the United States Department of Agriculture*. Such definitions and standards of identity promulgated by the board for distilled spirits shall not be inconsistent with similar standards promulgated by the United States Bureau of Internal Revenue, Alcohol Tax Unit, or other federal agency; provided, however, that the provisions of this section shall not apply to wine.

SEC. 3. Section 26542 of the Health and Safety Code is amended to read:

26542. The authority to promulgate regulations for the efficient enforcement of this chapter is vested in the board. The board shall promulgate regulations exempting from the provisions of this chapter food which is in accordance with the normal practice of the trade introduced or offered for introduction into trade and which is being delivered to an establishment where it is to be processed, labeled or packed on condition that such food shall conform with the provisions of this act upon its removal from such processing, labeling or packing establishment. The regulations promulgated and the definitions and standards prescribed pursuant to this chapter shall not require higher standards and shall not be more restrictive than the definitions, standards and regulations which are in force, or promulgated by the Federal Security Agency, Food and Drug Administration, under the provisions of the federal act or by the *Animal Foods Inspection Division of the United States Department of Agriculture*, in the event that any such definitions, standards, or regulations are in force thereunder. The violation of a regulation promulgated under this chapter shall be deemed to be a violation of this chapter."

Amendment No. 3

On page 2, line 29, of said bill, strike out "SEC. 2", and insert

"SEC. 4".

Amendment No. 4

On page 2 of said bill, strike out line 31, and insert

"26606. Except where foods processed in establishments licensed by any board or department of the State of California are involved, neither the holding of a hearing as provided for".

Amendment No. 5

On page 2, line 41, of said bill, strike out "SEC. 3", and insert

"SEC. 5".

Amendment No. 6

On page 2 of said bill, strike out line 43, and insert

"26625. Except where foods processed in establishments licensed by any board or department of the State of California are involved, neither the holding of a hearing as provided for".

Amendment No. 7

On page 3, line 1, of said bill, strike out "SEC. 4", and insert

"SEC. 6".

Amendment No. 8

On page 3 of said bill, after line 32, insert

"If the board fails to commence proceedings against an article which is detained or quarantined within ninety days after said article is detained or quarantined, as above provided, the board shall immediately release said article from detention or quarantine and remove therefrom any warning tags affixed thereto by the board or its agents. If the board or its agent has taken possession of or assumed control of said article, the board shall immediately return said article to the possession of the person from whom it was taken."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 742—An act to amend Section 423 of, and to add Section 458.1 to, the Fish and Game Code, relating to transportation of fish and game.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 2, line 1, of the amended bill, strike out "458.5", and insert "458.1".

Amendment No. 2

On page 2, line 2, of said bill, strike out "after January 1, 1950,".

Amendment No. 3

On page 2 of said bill, following line 8, insert
"SEC. 3. The provisions of Sections 423 and 458.1 of the Fish and Game Code shall become effective January 1, 1950."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1351—An act to amend Section 117p of the Code of Civil Procedure, relating to fees in the small claims court.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1358—An act to amend Section 1772 of the Welfare and Institutions Code, relating to the discharge of parolees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 498—An act to amend Section 6140 of the Business and Professions Code, relating to fees payable by members of the State Bar.

Bill read second time, and ordered to third reading.

Assembly Bill No. 908—An act to repeal Sections 215.8, 215.9, 215.10, 215.11, 215.12, and 215.17 of the Agricultural Code, relating to the licensing of swine salesyards.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2666—An act to amend Section 301 of, and to add Sections 318.1, 318.2, 318.3, and 318.4 to, the Agricultural Code, relating to meat inspection.

Bill read second time, and ordered to third reading.

Assembly Bill No. 190—An act to amend Section 587b of the Penal Code, relating to trespass upon railroad equipment.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2841—An act to add Section 11f to the Municipal Court Act of 1925, relative to municipal courts and attaches thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1098—An act to amend Section 689c of the Code of Civil Procedure, relating to application of proceeds of sale under process.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1101—An act to amend Sections 690 and 690.26 of the Code of Civil Procedure, relating to exemptions from executions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1102—An act to amend Section 542 of the Code of Civil Procedure, relating to the manner in which property is attached.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1103—An act to amend Section 683 of the Code of Civil Procedure, relating to the return of execution.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1104—An act to amend Section 1166a of the Code of Civil Procedure, relating to unlawful detainer.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1111—An act to amend Section 689b of the Code of Civil Procedure, relating to executions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 556—An act adding Sections 32039, 32040, 32339, and 32340 to the Government Code, relating to retirement systems for peace officers, foresters, fire wardens, and county fire protection district firemen.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 2, line 15, of the printed bill, after "him", insert "and which are subject to withdrawal under Section 32036".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 144—An act to add Section 27265 to the Government Code, relating to destroying temporary index sheets by county recorders.

Bill read second time, and ordered to third reading.

Assembly Bill No. 243—An act to amend Sections 31452 and 31595 of, and to add Sections 31601, 31602, 31603, 31604, 31605, 31606, and 31607 to, the Government Code, relating to county employees retirement systems, authorizing the investment of the funds of such systems, and prescribing the limitations upon such investments, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1000—An act to cure defects in maps or plats filed for record prior to April 1, 1949, and in deeds or conveyances referring to such maps.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2295—An act to amend Section 974 of the Municipal Utility District Act, relating to municipal utility districts, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1470—An act to amend Sections 1672 and 1673 of the Insurance Code, relating to the licensing of nonresident brokers or agents.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 5 and 6 and insert "of the state or province of Canada wherein such applicant resides, if such state or province does not prohibit residents of this".

Amendment No. 2

On page 1, line 19, of said bill, after the word "state", insert "or province of Canada".

Amendment No. 3

On page 1, line 22, of said bill, after the word "state", insert "or province".

Amendment No. 4

On page 1, line 30, of said bill, after the word "agent", but before the period insert "as the case may be".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Assembly Bill No. 1319—An act to amend Sections 3.06 and 5.02 of the Building and Loan Association Act, relating to shares and investment certificates as legal investments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 214—An act to amend Section 741 of the Fish and Game Code, relating to sardines.

Bill read second time, and ordered to third reading.

Assembly Bill No. 871—An act to amend Section 1011 of the Fish and Game Code, relating to licenses, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 872—An act to add Section 492.5 to the Fish and Game Code, relating to fish.

Bill read second time, and ordered to third reading.

Assembly Bill No. 874—An act to amend Section 783 of the Fish and Game Code, relating to lobsters.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 3, of the printed bill, after "ten", insert "and".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 876—An act to amend Section 1011.5 of the Fish and Game Code, relating to sharks.

Bill read second time, and ordered to third reading.

Assembly Bill No. 881—An act to amend Section 1010 of the Fish and Game Code, relating to licenses, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 882—An act to amend Sections 990 and 990.1 of the Fish and Game Code, relating to commercial fishing licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1180—An act to add Section 975 to the Fish and Game Code, relating to carp traps.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 14, of the printed bill, strike out "carefully".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2212—An act to amend Section 402 of the Fish and Game Code, relating to licenses.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1 of the printed bill, as amended in Assembly March 31, 1949, strike out lines 7 and 8.

Amendment No. 2

On page 1, line 9, of said bill, strike out "(d)", and insert "(c)".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 607—An act to amend Sections 195, 196, and 197 of, and to repeal Section 195.5 of the Vehicle Code, relating to chattel mortgages on registered vehicles.

Bill read second time, and ordered to third reading.

MOTIONS TO RECONSIDER

Senate Bill No. 1001—An act to amend Section 1352.1 of the Labor Code, relating to hours of labor for women.

Motion to Reconsider Waived

Senator Jespersen waived his motion to reconsider the vote whereby Senate Bill No. 1001 was passed.

Senate Bill No. 1001 ordered transmitted to the Assembly.

MOTION TO RE-REFER SENATE BILL NO. 434 AND ASSEMBLY BILLS NOS. 1743, 2030, AND 2666

Senator Rich moved that Senate Bill No. 434 and Assembly Bills Nos. 1743, 2030 and 2666 be re-referred to Committee on Finance.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill No. 411—An act to add Chapter 7 to Division 20 of the Health and Safety Code, relating to acts affecting fire protection agencies.

Motion to Refer Bill to Inactive File

Senator Keating moved that Senate Bill No. 411 be placed on the inactive file.

Motion carried.

Senator Keating Presiding

At 3.05 p.m., Senator Thomas F. Keating, of the Thirteenth District, presiding.

Senate Bill No. 11—An act to amend Sections 3041 and 3042 of the Business and Professions Code, relating to the practice of optometry.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Keating, Kraft, Mayo, McBride, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Webret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Jespersen asked for, and was granted, unanimous consent to have Senate Bill No. 134 passed on file and retain its place on file until Tuesday, April 26, 1949.

Senate Bill No. 956—An act to repeal Section 2315 of, and to amend Sections 2321 and 2322 of, the Business and Professions Code, relating to reciprocity under the chapter on medicine and surgery.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Judah, Keating, Kraft, Mayo, McBride,

Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1133—An act to repeal Sections 28214, 28231, and 28232, and to amend Section 28230 of the Health and Safety Code, relating to bread and its preparation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1132—An act to repeal Section 28292 and to amend Sections 28312, 28313 and to add Section 28321 of the Health and Safety Code, relating to food processing, and the regulation of food containers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1172—An act to add Section 566 to the Vehicle Code, relating to skiing and tobogganing on or across state highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 618—An act to amend Sections 511.3 and 601.5 of, and to repeal Sections 511.6 of the Vehicle Code, relating to speed regulations.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 724—An act to amend Sections 1296, 1301, 1305, 1306, 1311, 1398, and 1776 of the Labor Code, and Sections 16687 and 16732 of the Education Code, relating to the Division of Labor Law Enforcement.

Bill read third time, and presented by Senator O'Gara.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Collier:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to establish a Fact-Finding Commission on Governmental Organization and a Joint Legislative Fact-Finding Committee on Governmental Organization, prescribing their powers, duties and functions and making an appropriation.

Respectfully submitted,

SENATOR COLLIER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 21, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Governmental Efficiency.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1623: By Senator Collier—An act to establish a Fact-Finding Commission on Governmental Organization and a Joint Legislative Fact-Finding Committee on Governmental Organization, prescribing their powers, duties and functions and making an appropriation.

Referred to Committee on Governmental Efficiency.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 379—An act to amend Section 1588 of the Labor Code, and to add Section 1588.2 thereto, relating to license fees of employment agencies and labor contractors.

Bill read third time, and presented by Senator O'Gara.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2422—An act to amend Section 19611 of the Education Code, relating to child care centers.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 563—An act to amend Section 695 of the Elections Code, relating to election officer's right of absence from employment.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1349—An act to add Section 7964.5 to the Elections Code, relating to precinct boards.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Judah, Keating, Kraft, Mayo, O'Gara, Parkman, Regan, Rich, Salsman, Swing, Tenney, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 3.17 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Assembly Bill No. 2141—An act to amend Section 4533 of the Elections Code, relating to campaign statements.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Hulse, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

President of the Senate Presiding

At 3.20 p.m., Hon. Goodwin J. Knight, President of the Senate, presiding.

Assembly Bill No. 2143—An act to amend Section 8007 of the Elections Code, relating to recount of ballots.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Hulse, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2144—An act to amend Section 330.5 of the Elections Code, relating to affidavits of registration.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2285—An act to amend Sections 7015, 7016, and 7020 of the Elections Code, relating to canvass of ballots.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Weybret, and Williams—27.

NOES—Senators Dilworth and Donnelly—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2502—An act to amend Section 6050 of the Elections Code, relating to voting machines.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1538—An act to add Section 132.5 to the Elections Code, relating to registration of members of the armed forces.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, O'Gara, Parkman, Powers, Rich, Salsman, Swing, Tenney, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 3101—An act to add Section 26733.5 to the Water Code, relating to irrigation districts and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Hatfield.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, O'Gara, Parkman, Powers, Rich, Salsman, Swing, Tenney, Watson, Weybret, and Williams—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, McBride, O'Gara, Parkman, Powers, Rich, Salsman, Swing, Tenney, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 325—An act to amend Sections 2609, 2611, 2614, 2621, 2631, 2702, 2705, 2750, 2753, 2795, 2798, and 2804 of, and to add Section 2797.5 to the Elections Code, relating to elections.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, McBride, O'Gara, Parkman, Powers, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE JOINT RESOLUTION NO. 4

Senator O'Gara moved that Senate Joint Resolution No. 4 be withdrawn from Committee on Governmental Efficiency for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Joint Resolution No. 4—Relative to establishing a nine county area to be known as the San Francisco Bay Area.

Resolution read.

Motion to Amend

Senator O'Gara moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed measure, strike out lines 2 to 7 inclusive, and insert "Bay and its extension, San Pablo Bay and Suisun Bay, northerly and easterly to receive the waters of the two great rivers of the central valleys, operates as a force holding the contiguous counties together in one geographical unit with common recreational, farming, and industrial development; and".

Amendment No. 2

On page 1, line 8, of said measure, strike out "This".

Amendment No. 3

On page 1, line 9, of said measure, strike out "by such actions as that", and strike out all of lines 10 to 18, inclusive, and insert "in the published records of many official and other agencies, including the United States Bureau of the Census, President's Congested Production Area Committee, Chief Engineer, U. S. Army, California State Interdepartmental Research Coordinating Committee, California State Chamber of Commerce, and San Francisco Chamber of Commerce, for which a basis of five, six, seven, nine, or even more counties have been used; and".

Amendment No. 4

On page 1, line 25, of said measure, after "entire", insert "bay".

Amendment No. 5

On page 1, line 26, of said measure, strike out "embracing San Francisco Bay".

Amendment No. 6

On page 1, line 31, of said measure, after "communication", insert "and transportation".

Amendment No. 7

On page 2, line 1, of said measure, after "county", insert "industrial".

Amendment No. 8

On page 2 of said measure, strike out lines 4 to 23, inclusive, and insert "WHEREAS, Most agencies in close contact with the region's diversified development find that factual information based upon at least a nine county area is more adequate and representative to serve the best interests of the region and is more acceptable to industrial interests and others requiring data covering the region; and

WHEREAS, The economic, social and cultural development in the Nine-County Bay Area is closely integrated, and leaders in many fields of activity including business, trade, finance, manufacturing, agriculture, commerce, education, professional, social, and cultural, work closely together through trade and professional associations; and

WHEREAS, Many establishments have their headquarters in the central cities and their plants or other branch activities spread throughout the Bay region; and

WHEREAS, The integration of the Nine-County Bay Area is further confirmed by the very high ratio of central cities' newspapers daily circulation to families throughout these counties; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly. That the nine counties fronting on San Francisco, San Pablo, and Suisun Bays, namely: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma, be recognized and adopted by all California state governmental agencies as an integrated area with common economic, social, and often administrative interests; and further, that all California state governmental agencies reporting and publishing statistical and other data on an area basis, report and publish totals for the Nine-County Bay Area, herein designated; and be it further

Resolved. That the Secretary of the Senate transmit suitable copies of this resolution to the Governor of the State of California, the State of California Interdepartmental Research Coordinating Committee in Sacramento, California, and to

the Federal Interagency Committee, Washington, D. C., and the United States Bureau of the Census, Washington, D. C."

Amendments read, and adopted.

Resolution ordered printed, and re-referred to Committee on Governmental Efficiency.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1331

Senator Breed moved that Senate Bill No. 1331 be withdrawn from Committee on Education for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1331—An act to add Section 11004 to the Elections Code, relating to petitions for the recall of state officers.

Bill read second time.

Motion to Amend

Senator Breed moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 and 4, and insert

"11004. Before any signatures are obtained to a recall petition, a copy of the petition shall be filed in the office of the Secretary of State, and the recall proceedings shall be deemed to be pending from the date of such filing. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature the date of signing and the place of his residence, giving street and number. If no street or number exists, then a designation of the place of residence shall be given which will enable the location to be readily ascertained. No petition shall be valid for the purpose for which it was circulated unless it shall be sufficiently signed within six months after the date of such filing or, if not so filed, within six months after the effective date hereof, whichever is later."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1450

Senator Keating moved that Senate Bill No. 1450 be withdrawn from Committee on Local Government for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1450—An act to amend Section 28144 of the Government Code, relating to compensation for public services in counties of the forty-fourth class.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

Strike out the title of the printed bill and insert

"An act to amend Sections 28122 and 28135 of the Government Code, relating to compensation for public services in counties of the twenty-second and thirty-fifth classes."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 28122 of the Government Code is amended to read:

28122. In a county of the twenty-second class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand [six] *nine* hundred dollars [(\$6,600)] (\$6,900) a year.

(b) The district attorney, eight thousand dollars (\$8,000) a year. He shall devote his entire time to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, two hundred dollars (\$200) a month and eight cents (\$0.08) for each mile necessarily and actually traveled in attending meetings of the board or in the discharge of county business within the county.

Each supervisor shall be allowed his actual and necessary expenses incurred while traveling to and from the annual convention of the supervisor's association, not to exceed fifty dollars (\$50) for each in any one year.

(d) *Grand and trial jurors, five dollars (\$5) per day.*

[The compensation provided for by this section shall be paid incumbent officers.]

SEC. 2. Section 28135 of the Government Code is amended to read:

28135. In counties of the thirty-fifth class the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums:

1. The auditor, four thousand *eight hundred* dollars [(\$4,000)] (\$4,800) per annum.

2. The district attorney, six thousand dollars (\$6,000) per annum.

3. Each supervisor, one thousand five hundred dollars (\$1,500) per annum for all services performed by him as supervisor or member of the board of equalization and, in addition thereto, the sum of six hundred dollars (\$600) per annum for his duties as road commissioner and the use of county automobiles in connection with the performance of official duties in whatever capacity.

4. Grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each day's attendance, per day, three dollars (\$3); and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents (\$0.25); and grand jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents (\$0.15).

[The compensation provided by this section shall be paid to incumbent officers.]"

Amendment No. 3

On page 1 of said bill, strike out lines 2 to 17.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 693

Senator Abshire moved that Senate Bill No. 693 be withdrawn from Committee on Water Resources for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 693—An act to amend Section 27 of the Storm Water District Act of 1909, relating to storm water districts.

Bill read second time.

Motion to Amend

Senator Abshire moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 13, of the printed bill, strike out "majority", and insert "two-thirds".

Amendment No. 2

On page 1 of said bill, strike out lines 24 to 26, inclusive, and on page 2, strike out lines 1 to 3, inclusive, and insert "been dissolved and disincorporated. Whenever all of the obligations of the district have been discharged, the board of supervisors by whom the district was formed shall cause the balance of the money of the district to be distributed to the assessment payers in the district upon the last assessment roll in the proportion in which each has contributed to the total amount of the last assessment entered. The board of supervisors may employ, at the district expense, such accountants and other employees as may be necessary to assure correct return of the unused money. For".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1299

Senator Parkman moved that Senate Bill No. 1299 be withdrawn from Committee on Public Health and Safety for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1299—An act to amend Sections 20025 and 20032 of, and to add Sections 20006, 20032.1 and 20071.5, and Article 4.5 to Chapter 1, Part 1, Division 14 of, the Health and Safety Code, relating to police protection districts.

Bill read second time.

Motion to Amend

Senator Parkman moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Senate April 6, 1949, strike out "and 20032", and insert ", 20032 and 20131".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 3 of said bill, after line 20, insert

"SEC. 7. Section 20131 of said code is amended to read:

20131. Proceedings for the dissolution of a district are initiated whenever a petition requesting dissolution and signed by fifty or more persons who are both [freeholders] *taxpayers* and residents of the district, or by a majority of persons who are both [freeholders] *taxpayers* and residents of the district, whichever number is the lesser, is filed with the board."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 3094—An act amending Section 5 of an act entitled "An act to define and officially adopt a state-wide system of plane coordinates, to provide for uniformity in the orientation of land surveys and maps within the State of California, and permitting, but not requiring, the use thereof in surveying and mapping operations," approved July 10, 1947, relating to the state-wide system of plane coordinates.

Bill read third time, and presented by Senator Watson.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Powers, Rich, Salsman, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 606—An act to amend Sections 146, 175, and 185 of the Vehicle Code, relating to registration and transfer of vehicles.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 610—An act to add Section 378.2 to, and to amend Sections 379 and 381 of the Vehicle Code, relating to fees for registration of motor vehicles and for issuance of operator's and chauffeur's licenses.

Bill read third time, and presented by Senator O'Gara.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 720—An act to amend Sections 5911, 5930, and 5931 of, and to add Section 5931.5 to, the Elections Code, relating to absentee voting.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Johnson, Judah, Mayo, McBride, O'Gara, Parkman, Powers, Rich, Sutton, Tenney, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)

The following resolution was offered :

Senate Concurrent Resolution No. 46: By Senator Salsman—
Relative to approving a charter of the County of Santa Clara, State of
California, voted for and ratified by the qualified electors of said county
at the general election held therein on the second day of November, 1948.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was
referred:

Assembly Joint Resolution No. 30

Has had the same under consideration, and reports the same back with amendments
with the recommendation: Amend, and be adopted as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

SUTTON, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was
referred:

Assembly Bill No. 268

Has had the same under consideration, and reports the same back with amendments
with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

SUTTON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was
referred:

Assembly Bill No. 1205

Has had the same under consideration, and reports the same back with the recom-
mendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

SUTTON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was
referred:

Assembly Bill No. 267

Has had the same under consideration, and reports the same back with the recom-
mendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

SUTTON, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:
Senate Bill No. 902

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

DILLINGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which were referred:
Senate Bill No. 937
Assembly Bill No. 1752
Assembly Bill No. 1754

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

DILLINGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:
Assembly Bill No. 1750

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Judiciary.

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

DILLINGER, Chairman

Above reported bill re-referred to Committee on Judiciary.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:
Assembly Bill No. 1748

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

DILLINGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which were referred:
Assembly Bill No. 1352
Assembly Bill No. 1354

Assembly Bill No. 1355
Assembly Bill No. 1356

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

DILLINGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:
Assembly Bill No. 827

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

DILLINGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:
Assembly Bill No. 1585

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

DILLINGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:
Senate Bill No. 700

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 5; absent 4.

DILLINGER, Chairman

Above reported bill ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Elections, to which was referred:
Assembly Bill No. 671

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

WEYBRET, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Elections, to which were referred:
Assembly Bill No. 1523
Assembly Bill No. 1684
Assembly Bill No. 3096

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

WEYBRET, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Elections, to which was referred:
Senate Bill No. 1203

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 1; absent 3.

WEYBRET, Chairman

Above reported bill ordered to second reading.

Committee on Institutions

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Institutions, to which was referred:
Senate Concurrent Resolution No. 32

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

DORSEY, Chairman

Above reported resolution ordered to second reading.

MOTION TO ADOPT COMMITTEE AMENDMENTS

Senator Dorsey moved that Senate Concurrent Resolution No. 32 be read at this time for the purpose of adopting committee amendments.
Motion carried.

Senate Concurrent Resolution No. 32—Relative to the cessation until January 1, 1950, of expenditure for a new site for the California Institution for Women.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Institutions:

Amendment No. 1

On page 2, line 15, of the printed bill, strike out the words and figures, "January 1, 1950", and insert "90 days after the final adjournment of the 1949 Session of the California Legislature;"

Amendment read, and adopted.

Resolution ordered printed, engrossed, and to third reading.

REPORTS OF STANDING COMMITTEES**Committee on Labor**

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Senate Bill No. 505

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 7.

JUDAH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Assembly Bill No. 185

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 7; committee vote: Ayes 7.

JUDAH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Assembly Bill No. 773

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 6; absent 1.

JUDAH, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 967

Senate Bill No. 1186

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; Absent 2.

HUGH M. BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 1377

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 4; noes 2; absent 3.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Assembly Bill No. 1979

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Assembly Bill No. 792

Assembly Bill No. 793

Assembly Bill No. 796

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

HUGH M. BURNS, Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Senator Salsman:

Senate Resolution No. 86

Relative to the purchase of Opinions of the Attorney General

Resolved by the Senate of the State of California, That the Secretary of the Senate be and he is hereby authorized and directed to purchase 41 sets of the Opinions of the Attorney General of California for the years 1949 and 1950; and be it further

Resolved, That the Secretary is instructed to deliver one set of the Opinions of the Attorney General of California to each Member of the Senate, and one set to the Secretary of the Senate; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of California Legal

Publications for two thousand ninety-one dollars (\$2,091) in payment for the above volumes and advance sheets, and the State Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1713

Assembly Bill No. 1860

Assembly Bill No. 1943

Assembly Bill No. 1944

Assembly Bill No. 2004

Assembly Bill No. 2019

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 1713—An act to add Section 55.65 to and to amend Sections 40 and 55.6 of the Alcoholic Beverage Control Act, relating to the sale of wine, requiring the posting of prices and the making and filing of fair trade contracts in relation thereto, and governing the giving of discounts in connection with the sale of wine.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1860—An act to amend Sections 484, 488, and 488.5 of the Vehicle Code, relating to accident reports and defining their use.

Referred to Committee on Transportation.

Assembly Bill No. 1943—An act to amend Sections 1, 4, 5, 8, 9, 12, 13, 24, 24.1, 25, 31, and 34.1, and to repeal Section 8.2 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1944—An act to amend Sections 2, 7, 8, 15, 16, 18.1, 19, and 24, and to repeal Section 7.2 of the Corporation Income Tax Act, relating to the levy and collection of taxes upon the income of corporations, associations, and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2004—An act to add Section 642 to the Vehicle Code, relating to the mounting height of lamps and reflectors on vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2019—An act to amend Sections 139.51, 139.52, and 139.53 of the Vehicle Code, relating to members of the California Highway Patrol.

Referred to Committee on Transportation.

ADJOURNMENT

At 4.30 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 9.30 a.m., Friday, April 22, 1949.

JOHN F. LEA, Minute Clerk

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CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTY-SIXTH LEGISLATIVE DAY
ONE HUNDRED TENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, April 22, 1949

The Senate met at 9.30 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names :

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Kraft, Miller, Powers, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—30.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day :

Senator Salsman, on motion of Senator Powers, due to legislative business.

Senator Mayo, on motion of Senator Powers, due to legislative business.

Senator Regan, on motion of Senator Powers, due to legislative business.

Senator Desmond, on motion of Senator Powers, due to legislative business.

Senator Swing, on motion of Senator Powers, due to legislative business.

Senator McBride, on motion of Senator Powers, due to legislative business.

Senator O'Gara, on motion of Senator Powers, due to legislative business.

Senator Johnson, on motion of Senator Breed, due to legislative business.

Senator Keating, on motion of Senator Breed, due to legislative business.

Senator Parkman, on motion of Senator Breed, due to legislative business.

APPOINTMENT TO SOCIAL WELFARE BOARD

STATE OF CALIFORNIA, DEPARTMENT OF SOCIAL WELFARE

SACRAMENTO, April 20, 1949

The Honorable Goodwin Knight

President of California State Senate

State Capitol, Sacramento, California

DEAR SIR: I have the honor to present the name of Mr. Daniel G. Marshall for appointment as Chairman of the State Social Welfare Board under the provisions of Article XXV of the State Constitution:

Mr. Daniel G. Marshall is a member of the law firm of Burke, Marshall & Burke. He was admitted to the California State Bar in 1926; and is president of the Los Angeles Chapter National Lawyers Guild. Mr. Marshall is an alumnus of Loyola University Law School. He is married and has four children.

Respectfully submitted,

MYRTLE WILLIAMS, Director
Department of Social Welfare

Appointment read and referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 711

Senate Bill No. 1262

Senate Bill No. 851

Senate Bill No. 1489

Senate Bill No. 1261

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2651

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

POWERS, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 2041

Assembly Bill No. 2052

Assembly Bill No. 2042

Assembly Bill No. 2053

Assembly Bill No. 2044

Assembly Bill No. 2055

Assembly Bill No. 2046

Assembly Bill No. 2056

Assembly Bill No. 2048

Assembly Bill No. 2061

Assembly Bill No. 2049

Assembly Bill No. 2063

Assembly Bill No. 2050

Assembly Bill No. 2064

Assembly Bill No. 2051

Assembly Bill No. 2066

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

POWERS, Vice-Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2043

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 6; absent 5.

POWERS, Vice Chairman

Above reported bill ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 87

WHEREAS, Pursuant to the provisions of Senate Concurrent Resolution No. 54, Res. Chap. 181, Stats. 1947, also Senate Concurrent Resolution No. 8, Res. Chap. 62, Stats. 1948, pertaining to the Joint Committee on Agriculture and Livestock Problems, Senator Fred Weybret was appointed a member of said committee; and

WHEREAS, In pursuit of his duties as a member of such committee, Senator Weybret finds it necessary to absent himself from the Senate, and from the State of California beginning Saturday, April 23d, for an indeterminate period estimated to be approximately three (3) weeks; therefore, be it

Resolved, That Senator Weybret be granted leave of absence for such period of time as may be necessary for the performance of said service to said committee, and that he be excused from attendance upon the sessions of the Senate during such time.

Resolution read, and adopted.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill No. 475—An act to amend Section 1023 of, and to add Section 1023.1 to, the Agricultural Code, relating to fertilizing materials.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 14, of the printed bill, strike out "and".

Amendment No. 2

On page 1, line 15, of said bill, strike out the period, and insert ", and when sold in packages of ten pounds or more, the weights of the nitrogen, of the available phosphoric acid, and of the soluble potash contained therein."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 902—An act to amend Section 1 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 937—An act to amend Section 92 of, and to add Section 84 to, the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 700—An act to amend Section 207 of the Unemployment Insurance Act, relating to unemployment compensation disability benefits.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 20, of the printed bill, strike out "receive", and insert "claim".

Amendment No. 2

On page 1, line 21, of said bill, after "law", insert "or employer's liability law".

Amendment No. 3

On page 1, line 23, of said bill, after "however," insert "that where because of a disputed claim there is doubt and will be delay in respect to the payment of any such workmen's compensation law benefits to an unemployed disabled individual otherwise entitled to benefits under this article, benefits under this article shall be promptly paid if such individual has made proper application for such workmen's compensation law benefits, is diligently pursuing the procedure required to obtain a determination on such workmen's compensation benefits, and has executed a written lien against any award or settlement of such workmen's compensation benefits covering amounts paid under this article pending such determination, and further provided".

Amendments read, and adopted.

Bill ordered printed, and referred to Committee on Social Welfare.

Senate Bill No. 1203—An act to amend Section 19437 of the Education Code, relating to civic centers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 505—An act to amend Section 3212 of the Labor Code, relating to workmen's compensation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 967—An act to amend Section 18711 of, and to add Section 18753 to, the Business and Professions Code, relating to boxing and wrestling.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 12, of the printed bill, after "thereon, of", insert "fifteen dollars (\$15) or".

Amendment No. 2

On page 1 of said bill, strike out lines 14 and 15, and insert "for admission to any boxing match or exhibition or wrestling match or exhibition, whichever is greater. Every club, manager, boxer, wrestler or other licensee or person shall pay to the commission a tax of one cent (\$.01) for each twenty cents (\$.20) or fraction thereof of the amount paid to such licensee for the right to televise or telecast any boxing or wrestling match, contest or exhibition. Such tax shall be paid to the commission within seventy-two hours after any licensee shall receive the agreed payment for the right to televise or telecast such event or events. In the".

Amendment No. 3

On page 2, line 5, of said bill, after "televised", insert "or telecast".

Amendment No. 4

On page 2 of said bill, strike out lines 6 and 7, and insert "right to televise or telecast such event is first approved by the participants or their representatives and the State Athletic Commission."

Amendments read, and adopted.

Bill ordered printed, and referred to Committee on Business and Professions.

Senate Bill No. 1186—An act to amend Section 2550 of the Business and Professions Code, relating to dispensing opticians.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 5 and 6, and insert "for ophthalmic or contact lenses and kindred products, and, as incidental to the filling of such pre-".

Amendment read, and adopted.

Bill ordered printed, and referred to Committee on Business and Professions.

Senate Bill No. 1377—An act to amend Section 11000 of the Business and Professions Code, relating to real estate subdivisions.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Joint Resolution No. 30—Relative to the assistance to veterans in borrowing funds from established lending institutions for the acquisition of homes and other purposes.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 1, line 4, of the printed measure, strike out "at a discount".

Amendment read, and adopted.

Resolution ordered printed, and to third reading.

Assembly Bill No. 268—An act to amend Section 1086.1 of the Military and Veterans Code, relating to the hospitalization and medical aid for physically ill members of the Woman's Relief Corps Home of California and for the reimbursement of hospitals and physicians rendering this aid.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert ", and to add Section 1091.1 to,".

Amendment No. 2

In line 4 of the title of said bill, strike out the first "and", and insert a comma.

Amendment No. 3

In line 5 of the title of said bill, after "aid", insert "and to provide for the purchase of grave plots for members of such home".

Amendment No. 4

On page 2 of said bill, after line 22, insert

"Sec. 2. Section 1091.1 is added to said code, to read:

1091.1. The manager of the Division of Veterans Homes may purchase grave plots for the interment of indigent members of the home out of any funds under his control."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1205—An act to amend Sections 502.1, 511.5, and 516.1 of the Military and Veterans Code, relating to the California Cadet Corps.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1752—An act to amend Section 740.5 of the Welfare and Institutions Code, relating to minors believed to be mentally unsound and their temporary placement for observation in institutions under the jurisdiction of the Department of Mental Hygiene.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1754—An act to add Sections 6660.1 and 6660.2 to the Welfare and Institutions Code, relating to the investment of funds held by the Department of Mental Hygiene as guardian or other fiduciary.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1748—An act to amend Section 1501 of the Welfare and Institutions Code, relating to definition of terms.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1352—An act to add Section 1752.8 to the Welfare and Institutions Code, relating to the custody, deposit, and investment of funds in the possession of the Director of the Youth Authority and belonging to persons committed to the Youth Authority and to the disposition of the increment thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1354—An act to amend Sections 1731.5 and 1732 of the Welfare and Institutions Code, relating to commitments to the Youth Authority.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1355—An act to amend Section 604 of the Welfare and Institutions Code, relating to probation committees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1356—An act to add Section 1767.7 to the Welfare and Institutions Code, relating to the care of paroled persons under the jurisdiction of the Youth Authority.

Bill read second time, and ordered to third reading.

Assembly Bill No. 827—An act to amend Section 39.1 of the Unemployment Insurance Act, relating to benefits.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

In line 8 of the printed bill, after "disqualification", strike out the comma and insert "from the employer whom the claimant voluntarily quit or from whose employment he was discharged for misconduct under the disqualification, and upon wages paid by any employer during any calendar quarter prior to the date of the occurrence of the cause of the disqualification,".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1585—An act to amend Sections 1562, 2190, and 3091.5 of the Welfare and Institutions Code, relating to the destruction of records of needy persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 671—An act to amend Section 1812 of the Education Code, relating to school district elections.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

On page 1, line 4, of the printed bill, after "district", insert "under his jurisdiction".

Amendment No. 2

On page 1, line 7, of said bill, strike out the first word "the", and insert "each".

Amendment No. 3

On page 1, line 10, of said bill, after "precinct", insert "in the county or city and county".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1523—An act to repeal Article 4, comprising Sections 4600 to 4611, inclusive, of Chapter 1, Division 7 of the Elections Code, relating to campaign expenditures.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1684—An act to amend Section 1772 of the Elections Code, relating to municipal referendum.

Bill read second time, and ordered to third reading.

Assembly Bill No. 3096—An act to add Section 2876 to the Health and Safety Code, relating to pest abatement districts, the power and authority of boards of supervisors and the levy of pest abatement district taxes; providing that this act shall not be deemed to be a declaration of the intention of the Legislature concerning the meaning of Section 3720 of the Political Code or any statutory successor thereto; declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 185—An act to amend Section 5801 of the Labor Code, relating to attorney's fees under the Workmen's Compensation Act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 1 of the printed bill, strike out lines 8 to 15, inclusive, and insert "In the event the injured employee or the dependent of a deceased employee prevails in any petition by the employer for a writ of review from an award of the commission and the reviewing court finds that there is no reasonable basis for the petition, it shall remand the cause to the commission for the purpose of making a supplemental award award."

Amendment No. 2

On page 1, line 18, of said bill, strike out "appeal", and insert "petition for writ of review".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 773—An act to amend Sections 52 and 53 of the Labor Code, relating to the Department of Industrial Relations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1979—An act to amend Section 4828 of the Business and Professions Code, relating to license to practice veterinary medicine, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 792—An act to amend Section 7329 of the Business and Professions Code, relating to cosmetology.

Bill read second time, and ordered to third reading.

Assembly Bill No. 793—An act to amend Section 7380 of, and to add Section 7385 to, the Business and Professions Code, relating to cosmetology.

Bill read second time, and ordered to third reading.

Assembly Bill No. 796—An act to amend Section 7320 of the Business and Professions Code, relating to cosmetology.

Bill read second time, and ordered to third reading.

Call of the Senate

Senator Jespersen moved a call of the Senate.

Motion carried.

PROCEEDINGS UNDER CALL OF THE SENATE

President Pro Tempore of the Senate Presiding

At 10.35 a.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 22, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 37—An act to amend Section 12973.7 of the Insurance Code, relating to documents and publications;

Senate Bill No. 472—An act to amend Section 13 of the County Water-works District Act, relating to property and obligations of county water-works districts;

Senate Bill No. 671—An act to amend Section 18102 of the Government Code, relating to sick leave;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-second day of April, 1949, at 10 a.m.

POWERS, Chairman

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 22, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 551

Senate Bill No. 12

Senate Bill No. 1427

Assembly Bill No. 1744

Senate Bill No. 1429

Assembly Bill No. 1096

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:

Senate Bill No. 433

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 22, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:

Senate Bill No. 13

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 1326

Assembly Bill No. 3099

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

**MOTION TO RE-REFER SENATE BILLS NOS. 505 AND 937 AND
ASSEMBLY BILLS NOS. 268, 1205, 1748, AND 1752**

Senator Rich moved that Senate Bills Nos. 505 and 937 and Assembly Bills Nos. 268, 1205, 1748, and 1752 be re-referred to Committee on Finance.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill No. 33—An act to add Section 11010 to the Government Code, relating to charges made by state agencies.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 33?

Amendment No. 1

On page 1, line 6, of the printed bill, as amended in the Senate on March 16, 1949, after "collect", insert "from any person, firm, or corporation".

Amendment No. 2

On page 1, lines 7 and 8, of said bill, strike out "for any activity other than that performed exclusively for state purposes", and insert ", inspection, or audit".

Amendment No. 3

On page 1, line 10, of said bill, after "included", insert "in".

Amendment No. 4

On page 1 of said bill, strike out lines 11 and 12, and insert "engaged in providing such services, inspection, or audit."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 33 by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Kraft, Miller, Powers, Rich, Sutton, Tenney, Ward, Watson, and Williams—23.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 382—An act to authorize the Director of Finance to convey all right, title and interest of the State of California in and to certain real property.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 382?

Amendment No. 1

On page 2 of the printed bill, as amended in the Senate on March 16, 1949, after line 16, insert

"SEC. 5. The Director of Finance is authorized to sell that certain parcel of property situated in the City of Los Angeles, Los Angeles County, California, described as follows: Lot 16, Block 4, of Hammel and Denker Tract as per map in Book 53, P. 63, Miscellaneous Records, City of Los Angeles, California."

Amendment No. 2

On page 1, line 23, of the printed bill, before the period, insert ", saving and excepting therefrom the portions thereof now within the right of way of the state highway adjacent thereto".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 382 by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Jespersen, Judah, Kraft, Miller, Powers, Rich, Sutton, Tenney, Ward, Watson, and Williams—24.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 692—An act to amend Sections 4741, 4762, 4781, and 4788 of, add Sections 4801 and 4843 to, and to repeal Sections 4797 and 4798 of the Health and Safety Code, relating to county sanitation districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 692?

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate on March 18, 1949, after "4762", insert ", 4781".

Amendment No. 2

In line 2 of the title of said bill, strike out "Section 4742.1", and insert "Sections 4801 and 4843".

Amendment No. 3

On page 1, lines 25 and 26, of said bill, strike out "district board", and insert "board of supervisors".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 4

On page 2, line 4, of said bill, insert

"SEC. 3. Section 4781 of the Health and Safety Code is amended to read:

4781. The resolution shall state all of the following:

(a) The general objects and purposes for which it is proposed to incur an indebtedness.

(b) A reference to the report filed with the district board for particulars.

(c) The amount of the bonds proposed to be issued.

(d) [The part of the principal to be paid each year, which part shall not be less than the part specified in this chapter.] *The number of years not to exceed which the whole of the bonds are to run.*

(e) The rate of interest or a maximum rate of interest to be paid, which rate shall not be more than the rate specified in this chapter, payable at the time specified in this chapter.

(f) The date of the election.

(g) The election precincts, polling places, and election officers.

SEC. 4. Section 4788 of the Health and Safety Code is amended to read:

4788. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable [substantially in the following manner: A part to be determined by the district board, which shall not be less than one-fortieth part of the whole amount of the indebtedness shall be payable each and every year on a day and date,] *at such times and at a place to be fixed by the board, and designated in the bonds, together with interest on all sums unpaid on that date until the whole of the indebtedness has been paid. The term of bonds issued shall not exceed forty years.*

SEC. 5. Section 4801 is added to the Health and Safety Code, to read:

4801. (1) An issue of bonds is hereby defined to be the aggregate principal amount of all of the bonds authorized to be issued in accordance with a proposal submitted to and approved by the electors of the district, but no indebtedness will be deemed to have been contracted until bonds shall have been sold and delivered and then only to the extent of the principal amount of bonds so sold and delivered.

(2) The board of directors of any district issuing any bonds heretofore or hereafter authorized may, in its discretion, divide the aggregate principal amount of such issue into two or more divisions or series and fix different dates for the bonds of each separate division or series. In the event any authorized issue is divided into two or more divisions or series, the bonds of each division or series may be made payable at such time or times as may be fixed by the legislative body of the district separate and distinct from the time or times of payment of bonds of any other division or series of the same issue.

SEC. 6. Section 4843 is added to the Health and Safety Code, to read:

4843. The district may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation, for the joint acquisition or construction or use of any sewer or sewers or other works or facilities for the handling, treatment or disposal of sewage from the district and such other area as may be designated in said contract, when in the judgment of the legislative body of said district it is for the best interests of the district so to do. Any

such contract may provide for the construction and maintenance of such sewer or sewers, or such other works or facilities, and for the payment by or for the parties thereto of such proportionate part of the cost of the acquisition, construction or maintenance of such sewer or sewers or other works or facilities as may be stated in said contract, the payments to be made at such times and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer or sewers, works or facilities for the handling, treatment or disposal of sewage upon such terms and conditions as may be agreed upon by the parties thereto, and for the flowage, treatment or disposal of sewage from such area for each of the parties thereto as may be described in the contract.

Any district which has acquired or constructed or which proposes to acquire or construct, any sewer or sewers, or works or other facilities for the handling, treatment or disposal of sewage, may contract with the Federal Government of the United States or any branch thereof, or with any county, city and county, municipal corporation, district or other public corporation or with any person, firm or corporation for the use of any such sewer or sewers, works or facilities by any such county, city and county, municipal corporation, district or other public corporation, or for the flowage, treatment or disposal of sewage from any area designated by such person, firm or corporation so contracting, upon such terms and conditions as may be provided in said contract.

SEC. 7. Sections 4797 and 4798 of the Health and Safety Code are repealed."

Amendment No. 5

On page 2 of said bill, strike out lines 6 to 31, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 692 by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Judah, Kraft, Miller, Powers, Rich, Sutton, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 819—An act to add Section 17500.1 to the Business and Professions Code, relating to regulation of advertising.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 819?

Amendment No. 1

On page 1, line 3, of the printed bill, as amended in the Senate on March 18, 1949, after "commission", insert "within the Department of Professional and Vocational Standards".

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 819 by the following vote:

AYES—None.

NOES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Kraft, Miller, Powers, Rich, Sutton, Tenney, Ward, Watson, and Williams—24.

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: The Committee on Rules announces the appointment of Senators Brown, Hugh M. Burns, and Mayo as a Senate Committee on Conference concerning Senate Bill No. 819 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES
POWERS, Chairman

Consideration of Assembly Amendments

Senate Bill No. 1484—An act to amend Sections 12410, 12440, and 16002 of the Government Code, relating to presentation and audit of claims against the State and drawing warrants therefor.

Amendment No. 1

In line 1 of the title of the printed bill, after "Sections", insert "12410".

Amendment No. 2

In line 2 of the title of said bill, after "presentation", insert "and audit".

Amendment No. 3

On page 1, line 1, of said bill, strike out "12440", and insert "12410".

Amendment No. 4

On page 1 of said bill, between lines 2 and 3, insert

"12410. The Controller shall superintend the fiscal concerns of the State. The Controller shall audit all claims against the State, and may audit the disbursement of any state money, for correctness, legality, and for sufficient provisions of law for payment. Whenever, in his opinion, the audit provided for by Chapter 1, Part 1, Division 4 of Title 2 of this code is not adequate, the Controller may make such field or other audit of any claim or disbursement of state money as may be appropriate to such determination.

SEC. 3. Section 12440 of the Government Code is amended to read :".

Amendment No. 5

On page 1, line 9, of said bill, strike out the first "2", and insert "3".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1484 by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Kraft, Miller, Powers, Rich, Sutton, Tenney, Ward, Watson, and Williams—24.

NOES—None.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Bill No. 791—An act to add Chapter 19 to Division 3, to amend Sections 10074 and 1046 of, and repeal Chapter 5 of Part 1 of Division 4, and Sections 10009, 10020, 10021, 10022, 10084, and 10085 of, the Business and Professions Code, relating to cemeteries, including the regulation of cemetery brokers and salesmen and cemetery corporations.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendments :

Amendment No. 1

In line 4 of the title of the printed bill, as amended in Senate, April 5, 1949, strike out "1046", and insert "10461".

Amendment No. 2

On page 2, line 19, of said bill, strike out "and", and insert "any".

Amendment No. 3

On page 7, line 25, of said bill, strike out "9687", and insert "9702.5".

Amendment No. 4

On page 2, line 30, of said bill, insert "(c) Any private or fraternal burial park not exceeding ten acres in area, established prior to September 19, 1939."

Amendment No. 5

On page 2 of said bill, after line 37, insert "The members shall be appointed by the Governor and confirmed by the Senate."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 611—An act to amend Section 383 of the Vehicle Code, to amend Section 10901 of the Revenue and Taxation Code, and

to amend Section 11, Chapter 788, Statutes of 1937, as amended, relating to the refund of fees collected thereunder.

Bill read third time, and presented by Senator Michael J. Burns.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Jespersen, Judah, Kraft, Miller, Powers, Rich, Tenney, Ward, Watson, Weybret, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 612—An act to add Section 383.2 to the Vehicle Code, relating to the refund of fees.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Judah, Kraft, Miller, Powers, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Assembly Bill No. 616—An act to amend Sections 452, 459.2, and 476 of, and to add Sections 454.1, 469.1, and 474.1 to the Vehicle Code, relating to the regulations of traffic on highways.

Bill read third time, and presented by Senator Collier.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Brown, Michael J. Burns, Collier, Dillinger, Dilworth, Dorsey, Jespersen, Rich, Sutton, Ward, Watson, Weybret, and Williams—13.

NOES—Senators Breed, Busch, Coombs, Crittenden, Cunningham, Donnelly, Drobish, Hulse, Judah, Kraft, Powers, and Tenney—12.

MOTIONS TO RECONSIDER

Senator Collier moved to reconsider the vote whereby Assembly Bill No. 616 was refused passage.

Postponement of Reconsideration

On motion of Senator Collier, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 616 was refused passage, was continued until the next legislative day.

Assembly Bill No. 1351—An act to amend Section 117p of the Code of Civil Procedure, relating to fees in the small claims court.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Drobish, Hulse, Jespersen, Judah, Kraft, Miller, Powers, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 908—An act to repeal Sections 215.8, 215.9, 215.10, 215.11, 215.12, and 215.17 of the Agricultural Code, relating to the licensing of swine salesyards.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Judah, Kraft, Powers, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 144—An act to add Section 27265 to the Government Code, relating to destroying temporary index sheets by county recorders.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Hulse, Kraft, Miller, Powers, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 190—An act to amend Section 587b of the Penal Code, relating to trespass upon railroad equipment.

Bill read third time, and presented by Senator Cunningham.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Judah, Kraft, Miller, Powers, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1180—An act to add Section 975 to the Fish and Game Code, relating to carp traps.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Kraft, Miller, Powers, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2212—An act to amend Section 402 of the Fish and Game Code, relating to licenses.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Judah, Kraft, Miller, Powers, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 72

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 72—Relative to adjournment in respect to the memory of R. L. Puccinelli.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 72, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 72

Assembly Concurrent Resolution No. 72—Relative to adjournment in respect to the memory of R. L. Puccinelli.

Resolution read, and adopted by rising vote of the following Senators:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Kraft, Miller, Powers, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—30.

Resolution ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 11.50 a.m., on motion of Senator Jespersen, further proceedings under the call of the Senate were dispensed with.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Dolwig, Caldecott, and Condon as a Committee on Conference concerning:

Senate Bill No. 819—An act to add Section 17500.1 to the Business and Professions Code, relating to regulation of advertising.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 22, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 574

Senate Bill No. 975

Senate Bill No. 742

Senate Bill No. 1131

Senate Bill No. 972

Senate Bill No. 1312

Senate Concurrent Resolution No. 32

And reports the same correctly engrossed.

POWERS, Chairman

ADJOURNMENT

At 11.50 a.m., on motion of Senator Busch, the President declared the Senate adjourned until 2 p.m., Monday, April 25, 1949, out of respect to the memory of the late R. L. Puccinelli.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTY-SEVENTH LEGISLATIVE DAY

ONE HUNDRED THIRTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, April 25, 1949

The Senate met at 2 p.m.

Hon. Harold J. Powers, President pro Tempore of the Senate,
presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Brown, Michael J. Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—34.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Breed, on motion of Senator Keating, due to legislative business.

Senator Crittenden, on motion of Senator Keating, due to legislative business.

Senator Hugh M. Burns, on motion of Senator Keating, due to legislative business.

Senator Tenney, on motion of Senator Keating, due to legislative business.

Senator Busch, on motion of Senator Keating, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ted Carpenter, County Recorder of San Bernardino County.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jean Troeme, Mrs. Emma Bocci of San Francisco and Mrs. Mae Reeves of Modesto.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Maxwell O. Johnson, Wahiawa, Oahu, T. H., father-in-law and mother-in-law of Senator O'Gara.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Edward Warnshuis of Hemet.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Vivian Duncan of Burlingame and Frank Herman of San Francisco.

ASSEMBLY, CALIFORNIA LEGISLATURE
SACRAMENTO 14, CALIFORNIA, April 25, 1949

Mr. Joseph A. Beek

*Secretary of the Senate
State Capitol, Sacramento 14, California*

DEAR MR. BEEK: I have been instructed by the Assembly to request the return of Senate Bill No. 61 for further consideration by this House.

Sincerely yours,

ARTHUR A. OHNIMUS, Chief Clerk

MOTION TO RETURN SENATE BILL NO. 61 TO ASSEMBLY

Senator Regan moved that Senate Bill No. 61 be withdrawn from enrollment and be returned to the Assembly for further consideration pursuant to their request.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1266

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 453
Assembly Bill No. 687
Assembly Bill No. 749
Assembly Bill No. 808
Assembly Bill No. 1502
Assembly Bill No. 1503
Assembly Bill No. 1858
Assembly Bill No. 1889
Assembly Bill No. 1893

Assembly Bill No. 2083
Assembly Bill No. 2191
Assembly Bill No. 2226
Assembly Bill No. 2461
Assembly Bill No. 2617
Assembly Bill No. 2618
Assembly Bill No. 2619
Assembly Bill No. 2975
Assembly Bill No. 1923

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWEIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 34

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 453—An act to amend Section 18852 of the Government Code, relating to salaries of state employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 687—An act to add Sections 6348.2 and 6348.4 to the Business and Professions Code, relating to the powers and duties of boards of law library trustees.

Referred to Committee on Business and Professions.

Assembly Bill No. 749—An act to add Section 9414 to the Government Code, relating to production of prisoners as witnesses in legislative proceedings.

Referred to Committee on Judiciary.

Assembly Bill No. 808—An act to add Part 11, comprising Sections 23001 to 26481a, inclusive, to Division 2 of, and to add Sections 50016 and 50017 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Bank and Corporation Franchise Tax Act and the Corporation Income Tax Act, and repealing acts and parts of acts specified herein.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1502—An act to amend Section 18020 of the Government Code, relating to hours of work for state employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1503—An act to amend Section 18705 of the Government Code, relating to days, hours and conditions of work for state employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1858—An act to amend Section 576 of, to add Sections 51, 58, and 59 to, and to amend and renumber Section 684 of, the Vehicle Code, relating to vehicles and vehicular traffic including definitions of terms used in that code.

Referred to Committee on Transportation.

Assembly Bill No. 1889—An act to add Section 19259 to the Government Code, relating to state employees completing twenty-five years or more of state service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1893—An act to amend Section 214 of the Revenue and Taxation Code, relating to exemptions from taxation.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1923—An act to add Section 10180 to the Insurance Code, relating to group life and disability insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 2083—An act to amend Section 257 of the Vehicle Code, relating to operators' licenses for minors.

Referred to Committee on Transportation.

Assembly Bill No. 2191—An act amending Section 50 of the Vehicle Code, relating to definition of unladen weight of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2226—An act to add Section 160.1 to the Vehicle Code, relating to the renewal of the registration of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2461—An act to add Section 18626.5 to the Business and Professions Code, relating to the salary of the secretary to the State Athletic Commission.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2617—An act to add Section 3.1 to the Sanitation and Sewer Revenue Bond Act of 1941, relating to the collection of revenues, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

Assembly Bill No. 2618—An act to amend Section 1 of, and to add Section 10.1 to the Sewer District Revenue Bond Act of 1939, in relation to public corporations and the collection of revenues, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

Assembly Bill No. 2619—An act to amend Section 5053 of, and to add Section 5472 to the Health and Safety Code, relating to the collection of sewer revenue charges, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

Assembly Bill No. 2975—An act relating to the powers, duties, and functions of committees created by either or both houses of the Legislature, and for that purpose amending Section 9410 of the Government Code.

Referred to Committee on Judiciary.

Assembly Joint Resolution No. 34—Relative to memorializing the President and the Congress of the United States in relation to securing the release of film industry assets frozen in foreign countries.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 45

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Concurrent Resolution No. 42

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above resolution ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 325

Assembly Bill No. 2212

Assembly Bill No. 618

Assembly Bill No. 1180

Assembly Bill No. 720

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 129

Assembly Bill No. 1296

Assembly Bill No. 747

Assembly Bill No. 1524

Assembly Bill No. 787

Assembly Bill No. 1547

Assembly Bill No. 869

Assembly Bill No. 1954

Assembly Bill No. 934

Assembly Bill No. 2073

Assembly Bill No. 935

Assembly Bill No. 2195

Assembly Bill No. 937

Assembly Bill No. 2540

Assembly Bill No. 938

Assembly Bill No. 2755

Assembly Bill No. 1093

Assembly Bill No. 3024

Assembly Bill No. 1011

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 129—An act to add Article 4, comprising Sections 9220 to 9223, inclusive, to Chapter 2, Part 1, Division 2, Title 2 of the Government Code, relating to the powers and duties of the Speaker of the Assembly.

Referred to Committee on Rules.

Assembly Bill No. 747—An act to amend Section 2877 of the Penal Code, relating to prisons and prisoners.

Referred to Committee on Judiciary.

Assembly Bill No. 787—An act to amend Section 7.2 of the Unemployment Insurance Act, relating to employment.

Referred to Committee on Social Welfare.

Assembly Bill No. 869—An act to amend Section 330 of the Fish and Game Code, relating to public shooting grounds.

Referred to Committee on Fish and Game.

Assembly Bill No. 934—An act to amend Section 427 of the Fish and Game Code, relating to hunting licenses.

Referred to Committee on Fish and Game.

Assembly Bill No. 935—An act to amend Section 407 of the Fish and Game Code, relating to licenses.

Referred to Committee on Fish and Game.

Assembly Bill No. 937—An act to amend Section 428 of the Fish and Game Code, relating to fishing licenses.

Referred to Committee on Fish and Game.

Assembly Bill No. 938—An act to amend Section 430 of the Fish and Game Code, relating to fishing licenses.

Referred to Committee on Fish and Game.

Assembly Bill No. 1093—An act to amend Section 45.11 of the Unemployment Insurance Act, relating to claims for refund and authorizing civil action against the commission for recovery.

Referred to Committee on Social Welfare.

Assembly Bill No. 1011—An act to amend Section 5425 and Section 5426 of the Public Resources Code, relating to recreation, park and parkway districts.

Referred to Committee on Natural Resources.

Assembly Bill No. 1296—An act to add Section 622.5 to the Fish and Game Code, relating to taking fish for use as bait.

Referred to Committee on Fish and Game.

Assembly Bill No. 1524—An act to amend Section 5047 of the Welfare and Institutions Code, relating to procedure for examination of the mental health of a person alleged to be mentally ill and to court hearings for such persons.

Referred to Committee on Judiciary.

Assembly Bill No. 1547—An act to add Section 136.5 to the Agricultural Code to provide more effective and expeditious abatement of pests.

Referred to Committee on Agriculture.

Assembly Bill No. 1954—An act to amend Section 1601 of the Health and Safety Code, relating to biologics.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2073—An act to amend Section 3209.3 of the Labor Code, relating to workmen's compensation and insurance.

Referred to Committee on Labor.

Assembly Bill No. 2195—An act to add Sections 364.7 and 364.8 to the Agricultural Code, relating to public livestock sales yards.

Referred to Committee on Agriculture.

Assembly Bill No. 2540—An act to add Sections 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, and 4035 to the Penal Code, relating to county jails.

Referred to Committee on Judiciary.

Assembly Bill No. 2755—An act to amend Section 142 of the Code of Civil Procedure and Section 24254.5 of the Government Code, relating to sessions of the superior court.

Referred to Committee on Judiciary.

Assembly Bill No. 3024—An act to amend and renumber Section 1882.5 of the Revenue and Taxation Code, relating to property taxation, and providing for the equalization of property values.

Referred to Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 22, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 902

Senate Bill No. 1203

Senate Bill No. 1377

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 475

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 791

And reports the same correctly re-engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 38—An act to add Section 1062.5 to, and to amend Section 11032 of, the Government Code, relating to absences of state officers and employees from the State;

Senate Bill No. 78—An act authorizing the State Director of Finance to sell, exchange, or otherwise dispose of certain state property located in San Mateo County, and dispose of the proceeds thereof;

Senate Bill No. 82—An act authorizing the State Director of Finance to sell, exchange, or otherwise dispose of certain state property located in Stanislaus County;

Senate Bill No. 144—An act to amend Section 4433 of the Public Resources Code, relating to state payments to counties in lieu of taxes on land acquired for state forests;

Senate Bill No. 251—An act to amend Sections 16505, 16551, 16552, 16553, 16554, and 16581, and to repeal Section 16524 of, the Government Code, relating to deposits of state money in banks, declaring the urgency of this act, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fifth day of April, 1949, at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1118—An act to amend Section 28143 of the Government Code, relating to compensation for public services in counties;

Senate Bill No. 1280—An act to revise Article 2, Chapter 1, Division 5 of the Public Resources Code, by repealing Sections 5020, 5021, 5022, and 5023 of, and adding Sections 5020, 5021, 5022, and 5023 to, said code, to authorize the appointment of an Historical Landmarks Advisory Committee and defining the powers and duties of said committee, the State Park Commission and the Director of Natural Resources with reference to historical buildings and landmarks;

Senate Bill No. 1379—An act to add Section 7.5 to an act entitled "An act to provide for the organization, government, powers and functions of flood control and flood water conservation districts," approved June 8, 1931, relating to eminent domain: And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fifth day of April, 1949, at 11 a.m.

POWERS, Chairman

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Assembly Bill No. 1755

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

DILLINGER, Chairman

Above reported bill ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:

Senate Bill No. 1617

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

DONNELLY, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:

Senate Bill No. 1093

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

DONNELLY, Chairman

Above reported bill ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 1562

Assembly Bill No. 2025

Assembly Bill No. 1197

Assembly Bill No. 2026

Assembly Bill No. 1198

Assembly Bill No. 2602

Assembly Bill No. 1712

Assembly Bill No. 2603

Assembly Bill No. 1976

Assembly Bill No. 2604

Assembly Bill No. 2002

Assembly Bill No. 2605

Assembly Bill No. 2003

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

PARKMAN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which was referred:

Senate Joint Resolution No. 20

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2.

PARKMAN, Chairman

Above reported resolution ordered to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 645

Senator Keating moved that Senate Bill No. 645 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 645—An act authorizing suit against the State of California to quiet title to certain tidelands.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "tidelands.", and insert "real property, and regulating the procedure therein."

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 16, inclusive, and insert

"SECTION 1. The State of California having heretofore issued patents to certain lands situated in the County of Marin, said State of California, and designated in this act, any person claiming or deraining title to any of said lands through or under any of said patents may bring suit against the State in the Superior Court of the State of California, in and for said County of Marin, to establish the boundaries of and to quiet title to said land or any portion thereof, and may prosecute the said action to final judgment. The lands herein referred to are commonly known as Tideland Surveys Nos. 77, 203, 204, and 205, respectively.

SEC. 2. The rules of practice in civil cases relating to suits to quiet title shall apply to such suits as may be brought under this authorization except as otherwise provided. Before any judgment can be given against the State hereunder it must appear to the court affirmatively that such patent to the lands described therein has been duly issued by the State. If judgment is given against the State in any such suit, no costs can be recovered from the State thereunder.

SEC. 3. Any such suits brought under this authorization shall be commenced within one (1) year after this act takes effect. Service of summons in such suits shall be made upon the Chairman of the State Lands Commission and upon the Attorney General, and the Attorney General shall represent the State in all such suits."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 47: By Senators Kraft, Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—Relative to the Mother of the Year.

Request for Unanimous Consent

Senator Kraft asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 47, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 47

Senate Concurrent Resolution No. 47—Relative to the Mother of the Year.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara,

Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO PRINT REMARKS BY SENATOR KRAFT IN THE JOURNAL

Senator Ward moved that the remarks by Senator Kraft in presenting Senate Concurrent Resolution No. 47 be printed in the Journal.

Motion carried.

Remarks by Senator Kraft

Mr. President and Members of the Senate:

Those of you who are my seniors in this Senate need no introduction to the California mother who is honored by this resolution. You know and love, as I do, Mary Fletcher, the wife of my predecessor, Senator Ed Fletcher.

To you who haven't had the opportunity to know her, may I say that my resolution is inadequate, because words can't accurately portray what she is. A fascinating young woman, mother, grandmother, and great-grandmother, whose wisdom and understanding she gives so generously to all who know her. I myself have had occasion to seek her advice, and I have found it often pungent and witty, but always true, sound, and reliable.

In a day when we are told by some social prophets that the American family is disappearing, and that soon the home will no longer give the child moral guidance, spiritual inspiration, and character education, Mary Fletcher's is the life which proves the untruth of this belief. She has demonstrated in her life that motherhood isn't something we just talk about: It is a way of life, of help, understanding, guidance, and determination to achieve. She has never lived in an ivory tower of protection, but in a world that has in her lifetime seen strife, and horror, and much grief. She has seen and experienced these things, and still she loves life and humanity. She has been a wife and mother in the fullest and deepest sense of those words.

She has born and raised to adulthood ten splendid children who are active contributing citizens of this State. There, if any is needed, is proof that she has done very well indeed.

She has 36 grandchildren, and three great-grandchildren. She has created a rich and rewarding life in her home and has found time to take a most active part in the civic and philanthropic life of our community.

As this resolution states, and as I am sure you all know, each year before Mother's Day, the Golden Rule Foundation selects from among the 48 nominees, one for each state, the American Mother of the Year, and the honors paid to her represent the honor and respect we pay to all mothers. This resolution asks the Golden Rule Foundation to extend the honor this year to our State and our California Mother of the Year, Mrs. Ed Fletcher of San Diego.

I believe that her outstanding achievements as mother, wife, and citizen amply justify her selection for this honor.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill No. 551—An act to amend Sections 446, 450, 452, 453, and 457 of the Education Code, relating to the salaries of the county superintendents of schools of counties of the forty-sixth, fiftieth, fifty-second, fifty-third, and fifty-seventh classes, respectively.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1427—An act to amend Sections 3896 and 3897 of, and to repeal Article 13, comprising Sections 3741 to 3750, inclusive, of Chapter 11 of Division 2 of, the Education Code, relating to the organization of high school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1429—An act to add Article 11, comprising Sections 20621 and 20622, to Chapter 2 of Division 10 of the Education Code, relating to state college police.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 12—An act to restrict zoning and covenant restrictions that prohibit the boarding or rooming of university or college students in the vicinity of state universities or colleges.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 13—An act to add Section 13225 to Article 2, Chapter 9, Division 7 of the Education Code, relating to oaths of certificated school employees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 13225 to Article 2", and insert "amend Section 12100 of the Education Code and to add Section 13205 to Article 1".

Amendment No. 2

In line 2 of the title of said bill, strike out "the Education Code", and insert "said code".

Amendment No. 3

In line 2 of the title of said bill, strike out "certificated", and strike out line 3, and insert "persons employed by school districts in positions requiring certification qualifications."

Amendment No. 4

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 12100 of the Education Code is amended to read:

12100. Except as provided in this code, no certification document shall be granted to any person unless and until he has subscribed to the following oath or affirmation: "I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California, and will by precept and example, promote respect for the Flag and the statutes of the United States and of the State of California, reverence for law and order, and undivided allegiance to the Government of the United States of America, and that I am not affiliated with any organization which has as its objective, or one of its objectives, the overthrow of the Government of the United States, or of the State of California, by force and violence or any other unlawful means." The oath or affirmation shall be subscribed before any person authorized to administer oaths or before any member of the governing board of a school district or of any county board of education and filed with the State Board of Education. Any certificated person who is a citizen or subject of any country other than the United States, and who is employed in any capacity in any of the public schools of the State shall, before entering upon the discharge of his duties, subscribe to an oath to support the institutions and policies of the United States during the period of his sojourn within the State and that he is not affiliated with any organization which has as its objective, or one of its objectives, the overthrow of the Government of the United States, or of this State, by force and violence or any other unlawful means. Upon the violation of any of the terms of the oath or affirmation, the State Board of Education shall suspend or revoke the credential which has been issued.

SEC. 2. Section 13205 is added to Article 1, Chapter 9, Division 7 of said code, to read:"

Amendment No. 5

On page 1, line 3, of said bill, strike out "13225", and insert "13205".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 1326—An act to repeal Sections 12041.1 and 12401.1 of the Education Code; to add Sections 12011, 12012, 12105, 12106, 12401.1, and 12401.2 to said code; and to amend the heading of Article 7 of Chapter 1 of Division 7 of said code, all relating to the authorization of persons to serve in the public schools.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 25, of the printed bill, as amended, strike out "fitness", and insert "such reasonable evidence of good moral character".

Amendment No. 2

On page 2, line 26, of said bill, strike out "fitness", and insert "such reasonable evidence of good moral character".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2651—An act to amend Sections 18523, 18801, and 19052 of the Government Code and to add Sections 18523.5, 18802.5, and 19052.5 to said code, relating to classes and grades in the state civil service.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, line 33, of the printed bill, as amended in Assembly, April 11, 1949, strike out "19052.2.", and insert "19052.5."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2041—An act to amend Section 18932 of the Government Code, relating to age requirements for civil service examinations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2042—An act to amend Section 18938 of the Government Code, relating to state civil service examinations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2044—An act to amend Section 19300 of the Government Code, relating to establishment of performance standards for state employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2046—An act to add Section 19143 to the Government Code, relating to counting of prior state service for layoff, sick leave and vacation purposes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2048—An act to amend Section 19055 of the Government Code, relating to certification of state employment lists.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2049—An act to amend Section 19058 of the Government Code, relating to temporary appointments in state service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2050—An act to amend Section 18021 of the Government Code, relating to overtime work in state civil service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2051—An act to amend Section 18024 of the Government Code, relating to attendance and overtime work in state civil service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2052—An act to amend Section 19142 of the Government Code and to add Section 19369, relating to transfers of state employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2053—An act to amend Sections 18101 and 18103 of the Government Code, relating to sick leave.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2055—An act to add Section 18714 to the Government Code, relating to adjustment of state employee grievances.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2056—An act to amend Sections 18023, 18575, 18700, 18709, 18805, and 18806, of the Government Code, and repeal Section 19366 of said code, relating to state civil service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2061—An act to amend Section 19361 of the Government Code, relating to intradepartment transfer of civil service employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2063—An act to amend Section 18803 of the Government Code, relating to the reclassification of state employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2064—An act to amend Section 18850 of the Government Code, relating to the adjustment of salary ranges in the state civil service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2066—An act to amend Section 18902 of the Government Code, relating to civil service eligible lists.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2043—An act to amend Section 18950 of the Government Code, relating to promotional eligible lists.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 8, of the printed bill, as amended in Assembly April 11, 1949, after the period, add the following: "Prior to giving an examination on an open competitive basis only, the board shall notify all agencies of the State which might appoint persons

from lists so established, and shall, if requested, afford them an opportunity to be heard on the matter at a regular or special meeting of the board. The board, in determining whether the best interests of the state service would be served by the giving of such an examination, shall consider the presentations made by any agency of the State."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 1744—An act to amend Sections 18023, 18024, 18025, and 18026, and to repeal Section 18027 of the Education Code, relating to the maintenance and repair of school district property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1096—An act to add Section 20800 to the Education Code, relating to the payment of expenses of graduates of the California School for the Deaf attending Gallaudet College.

Bill read second time, and ordered to third reading.

Assembly Bill No. 3099—An act to amend Section 13226 of the Education Code, and to add Section 14002.1 to said code, relating to the health of public school employees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 2 of the title of the printed bill, delete "Section 14002.1", and insert "Sections 14002.1 and 14002.2".

Amendment No. 2

On page 2 of said bill, after line 12 add:

"SEC. 2. Section 14002.2 is added to said code, to read:

14002.2. In lieu of the certificate from a physician and surgeon as specified in Sections 13226 and 14002.1 of this code, any person who adheres to the faith or teachings of any well recognized religious sect, denomination, or organization, and in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion, may file with the county superintendent of schools an affidavit stating such adherence and dependence and that to the best of his knowledge and belief he is free from active tuberculosis, and said affidavit shall be deemed equivalent of such certificate; provided, that if at any time there should be probable cause to believe that such affiant is afflicted with active tuberculosis, he may be excluded from service until the governing board of the employing district is satisfied that he is not so afflicted."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill No. 1283—An act to add Section 725 to the Insurance Code, relating to the regulation of interlocking directors of insurance companies.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1283?

Amendment No. 1

On page 1, line 4, of the printed bill, as amended in the Senate on March 24, 1949, strike out "admitted".

Amendment No. 2

On page 1, line 18, of said bill, strike out "upon such hearing", and insert "after a hearing in accordance with the procedure provided in Section 704".

Amendment No. 3

On page 2, line 2, of said bill, following "may", insert "after a hearing in accordance with the procedure provided in Section 704,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1283 by the following vote :

AYES—Senators Brown, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, and Watson—27.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 567—An act to amend Section 12 and to repeal Section 13 of "An act to provide a unified program of construction, improvement, and equipment for state agencies, creating a State Public Works Board, and making an appropriation to carry out the provisions of this act," approved March 13, 1946, relating to reports of the State Public Works Board.

The question being : Shall the Senate concur in the following Assembly amendment to Senate Bill No. 567 ?

Amendment No. 1

In line 5 of the title of the printed bill, following the quotation marks, insert "approved March 13, 1946,".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 567 by the following vote :

AYES—Senators Brown, Collier, Coombs, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, and Watson—26.

NOES—None.

Above bill ordered enrolled.

Senator Rich Presiding

At 2.45 p.m., Senator W. P. Rich, of the Tenth District, presiding.

Consideration of Assembly Amendments

Senate Bill No. 392—An act to amend Sections 736.11, 737.5, and 737.7 of the Agricultural Code, relating to marketing of fluid milk and fluid cream.

The question being : Shall the Senate concur in the following Assembly amendments to Senate Bill No. 392 ?

Amendment No. 1

In line 1 of the title of the printed bill, after "Sections", insert "736.11,".

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 736.11 of the Agricultural Code is amended to read:

736.11. The director shall, as soon as possible after the effective date hereof, in all marketing areas wherein a stabilization and marketing plan for fluid milk or fluid cream is in effect under the provisions of this chapter, designate and prescribe or provide methods for designating and prescribing minimum wholesale and minimum retail prices for fluid milk or fluid cream.

(a) Minimum wholesale prices, as used herein, shall mean prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores including the prices at which fluid milk or fluid cream shall be sold by distributors to retail stores, restaurants, confectioneries and other places for consumption on the premises but excluding, however, the prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores owned or operated by such distributor. *Minimum wholesale prices, as used herein, includes prices at which fluid milk or fluid cream, or both,*

shall be sold by distributors to other distributors, other than in bulk, which prices may vary from the minimum prices established for sales by distributors to other wholesale customers.

(b) Minimum retail prices herein, shall mean prices at which fluid milk or fluid cream, or both, shall be sold by distributors and retail stores to consumers.

At the time any stabilization and marketing plan is hereafter established under the provisions of this chapter, the director shall designate and prescribe, or provide methods for designating and prescribing, such minimum wholesale prices and such minimum retail prices; provided, however, that all prices established under the terms of this article shall be such prices as are determined by the director pursuant to the provisions of Section 736.12.

SEC. 2. Section 737.5 of said code is".

Amendment No. 3

On page 3, line 8, of said bill, after "cream", insert ", except that the provisions hereof shall not apply to a place or structure or building used for the purpose of receiving, weighing, or testing fluid milk or fluid cream which is to be diverted or delivered to the milk plant of the distributor receiving fluid milk or fluid cream which milk plant is licensed and bonded under the provisions of this section."

Amendment No. 4

On page 3, line 16, of said bill, strike out "2", and insert "3".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 392 by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, and Watson—30.

NOES—None.

Above bill ordered enrolled.

MOTION TO RE-REFER SENATE BILLS NOS. 1326 AND 1429 AND ASSEMBLY BILLS NOS. 1096, 2056, AND 2061

Senator Rich moved that Senate Bills Nos. 1326 and 1429 and Assembly Bills Nos. 1096, 2056, and 2061 be re-referred to Committee on Finance.

Motion carried.

Chief Assistant Secretary Cleve V. Taylor at the Desk

MOTIONS TO RECONSIDER

Assembly Bill No. 616—An act to amend Sections 452, 459.2, and 476 of, and to add Sections 454.1, 469.1, and 474.1 to the Vehicle Code, relating to the regulations of traffic on highways.

Motion to Reconsider Assembly Bill No. 616

Pursuant to his motion previously made, Senator Collier moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 616 was refused passage.

The roll was called, and Assembly Bill No. 616 reconsidered by the following vote:

AYES—Senators Abshire, Michael J. Burns, Collier, Cunningham, Desmond, Dillinger, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Ward, Watson, and Williams—24.

NOES—Senators Coombs, Donnelly, and Gibson—3.

Assembly Bill No. 616 ordered placed on third reading file.

THIRD READING OF SENATE BILLS

Senate Bill No. 577—An act to amend Section 5003.5 of the Public Resources Code, relating to highway and road easements across state park lands.

Bill read third time.

Motion to Amend

Senator Regan moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended in Senate April 20, 1949, strike out line 4, and insert

"5003.5. The State Park Commission is authorized to provide means of ingress to and egress from all state parks in order to provide ready access thereto by the public and to provide means of ingress and egress to highways and roads across state parks from lands separated from such highways and roads by state parks, and for that purpose may enter into contracts or agreements with cities, counties, and other political subdivisions of the State and with other state agencies or with persons, firms or corporations for the acquisition, construction, and maintenance of suitable roads, trails, and pathways.

When application is received by the State Park Commission, other than under Section 5012, from any person, firm or corporation for right of way across a state park for ingress and egress to a highway or road from their lands separated from such highway or road by the state park, the commission shall determine whether any reasonable access exists outside the boundaries of the park, or could be economically constructed. Where reasonable access does not exist or cannot be economically constructed outside the boundaries of the park, the commission shall grant a permit for right of way across the park over such route and subject to such conditions and construction and maintenance specifications as the commission may determine which will cause minimum alteration to the physical features of the park and minimum interference with the use of the park by the public. The permittee shall at his own expense construct and maintain the means of ingress and egress in accordance with the terms and conditions set forth in the permit, noncompliance with which in any part shall be due cause for revocation of such permit. The commission may require a permittee or permittees to allow the use of such means of ingress and egress by any other applicant whose lands are similarly situated. The commission shall grant a permit for such use under terms and conditions imposed upon existing users, upon payment of a reasonable compensation for construction and maintenance of the road, by the applicant to the existing permittee, or permittees."

Amendment No. 2

On page 1 of said bill, strike out lines 5 to 21, inclusive, and strike out all of page 2.

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 1041—An act to amend Sections 465.8 and 465.9 of the Vehicle Code, relating to highway name signs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Coombs asked for, and was granted, unanimous consent to have Senate Bill No. 1312 passed on file and retain its place on file until Thursday, April 28, 1949.

Senate Bill No. 1261—An act to amend Section 6b of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1262—An act to add Section 274e to the Code of Civil Procedure, relating to phonographic reporters for certain municipal courts; fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 574—An act to add Chapter 3.5, comprising Sections 26880 to 26885, inclusive, to Part 3, Division 2, Title 3 of the Government Code, relating to the county controller.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Collier, Coombs, Cunningham, Dillinger, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Ward, and Williams—22.

NOES—Senators Donnelly, Drobish, Gibson, Sutton, and Watson—5.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1489—An act to amend Section 28118 of the Government Code, relating to compensation for public services in counties of the eighteenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Coombs, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—26.

NOES—None.

MOTIONS TO RECONSIDER

Senator Ward moved to reconsider the vote whereby Senate Bill No. 1489 was passed.

The roll was called, and Senate Bill No. 1489 was reconsidered by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Johnson, Judah, Keating, Kraft,

Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, and Williams—28.

NOES—None.

FURTHER CONSIDERATION OF SENATE BILL NO. 1489

Senate Bill No. 1489—An act to amend Section 28118 of the Government Code, relating to compensation for public services in counties of the eighteenth class.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 28 and 29.

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 972—An act to add Section 704.7 to the Insurance Code, relating to the denial, suspension and revocation of certificates of authority to insurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Collier, Coombs, Cunningham, Dillinger, Donnelly, Dorsey, Gibson, Jespersen, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 975—An act to add Sections 922.1, 922.2, 922.3, 922.4, and 922.5 to the Insurance Code, relating to the credits which may be taken by an insurer against loss and unearned premium reserves as the result of reinsuring the whole or a portion of its business and the allowance as admitted assets of certain accounts receivable from reinsurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Collier, Coombs, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Regan, Rich, Salsman, Swing, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 711—An act to amend Section 10310, 10270.95, and 10291.5 of, to repeal Section 12957 of, and to add Section 10310.5 to the Insurance Code, relating to disability insurance policies.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

In the first and second lines of the title of the printed bill, as amended in the Senate on April 14, 1949, strike out "Section 10310, 10270.95, and 10291.5 of, to repeal Section" and insert "Sections 10310, 10270.95, 10291.5 and".

Amendment No. 2

On page 3, line 41, of said bill, as so amended, strike out the comma.

Amendment No. 3

On page 4 of said bill as so amended, strike out lines 18 to 38, inclusive, and insert

"(8) If it contains provision which has the effect, other than at the election of the insured exercisable within not less than ninety (90) days:

(i) Of substituting, upon the occurrence of any double dismemberment, some specified indemnity for any or all benefits under the policy, unless the least indemnity so specified is equal to, or greater than, the total of the benefit or benefits for which such specified indemnity is substituted and which, assuming in all cases that the insured would continue to live, could possibly accrue in the natural course of events under the other terms of the policy from the occurrence causing the dismemberment, or, when the policy provides life-time loss of time benefit for which such specified indemnity is substituted, the least indemnity so specified is equal to, or greater than, forty eight (48) times the greatest loss of time benefits payable under any circumstances in any one month under any provision of the policy. (Double dismemberment shall be loss of both hands, both feet, one hand and one foot, the sight of both eyes, or the sight of one eye and the loss of one hand or one foot. Loss of a hand shall be severance at or above the wrist joint. Loss of a foot shall be severance at or above the ankle joint. Loss of the sight of an eye shall be the irrecoverable loss of entire sight); or

(ii) Of substituting, upon the occurrence of any dismemberment other than such a double dismemberment, some specified indemnity for any or all benefits under the policy, unless the least indemnity so specified is equal to, or greater than, one-fourth of the total of the benefit or benefits for which such specified indemnity is substituted and which, assuming in all cases that the insured would continue to live, could possibly accrue in the natural course of events under the other terms of the policy from the occurrence causing the dismemberment, or, when the policy provides life-time loss of time benefit for which such specified indemnity is substituted, the least indemnity so specified is equal to, or greater than, twelve (12) times the greatest loss of time benefit payable under any circumstances in any one month under any provision of the policy; or

(iii) Of substituting a specified indemnity upon the occurrence of accidental death or any dismemberment for any benefit of the policy which would accrue prior to the time of such death or dismemberment; or".

Amendment No. 4

On page 6 of said bill, as so amended, strike out lines 22, 23, and 24 and "affected," on line 25, and insert "petition for any such review may be filed at any time before the effective date of the action taken by the commissioner."

Amendment No. 5

On page 6, line 26, of said bill, as so amended, strike out "until the expiration of said twenty (20) days", and insert "before the expiration of twenty (20) days after written notice and a copy thereof are mailed or delivered to the person adversely affected,".

Amendment No. 6

On page 6 of said bill, as so amended, strike out line 49, and insert "amended to read:

12957. The commissioner shall not withdraw approval of a policy theretofore approved by him except upon such grounds as, in his opinion, would authorize such disapproval upon original submission thereof. Such withdrawal shall be in writing and shall specify the ground thereof. If the insurer demands a hearing on such withdrawal, such hearing shall be granted and commenced within thirty days of filing of a written demand therefor with the commissioner. Unless such hearing is so commenced, the notice of withdrawal shall become ineffective upon the thirty-first day from and after the date of filing of the demand.

This section shall not apply to policies subject to the provisions of subdivision (d) of Section 10291.5."

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 902—An act to amend Section 1 of the Unemployment Insurance Act, relating to unemployment insurance.

Motion to Refer Bill to Inactive File

Senator Kraft moved that Senate Bill No. 902 be placed on the inactive file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS
REQUEST FOR UNANIMOUS CONSENT

Senator Kraft asked for, and was granted, unanimous consent to have Assembly Bill No. 1687 passed on file and retain its place on file until the next legislative day.

Assembly Bill No. 498—An act to amend Section 6140 of the Business and Professions Code, relating to fees payable by members of the State Bar.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Michael J. Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, O'Gara, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 30—Relative to the assistance to veterans in borrowing funds from established lending institutions for the acquisition of homes and other purposes.

Resolution read, and presented by Senator Dilworth.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 1754—An act to add Sections 6660.1 and 6660.2 to the Welfare and Institutions Code, relating to the investment of funds held by the Department of Mental Hygiene as guardian or other fiduciary.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Jespersen, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 827—An act to amend Section 39.1 of the Unemployment Insurance Act, relating to benefits.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Coombs, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Rich, Salsman, Sutton, Swing, Ward, and Williams—25.

NOES—Senator Collier—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1585—An act to amend Sections 1562, 2190, and 3091.5 of the Welfare and Institutions Code, relating to the destruction of records of needy persons.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1523—An act to repeal Article 4, comprising Sections 4600 to 4611, inclusive, of Chapter 1, Division 7 of the Elections Code, relating to campaign expenditures.

Bill read third time, and presented by Senator Miller.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Collier, Coombs, Cunningham, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—27.

NOES—Senator Donnelly—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1684—An act to amend Section 1772 of the Elections Code, relating to municipal referendum.

Bill read third time, and presented by Senator Watson.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Collier, Coombs, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 3096—An act to add Section 2876 to the Health and Safety Code, relating to pest abatement districts, the power and authority of boards of supervisors and the levy of pest abatement district taxes; providing that this act shall not be deemed to be a declaration of the intention of the Legislature concerning the meaning of Section 3720 of the Political Code or any statutory successor thereto; declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time, and presented by Senator Collier.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Brown, Collier, Coombs, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Collier, Coombs, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson,

Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Ward, and Watson—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 792—An act to amend Section 7329 of the Business and Professions Code, relating to cosmetology.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Collier, Coombs, Cunningham, Desmond, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Swing, Ward, and Watson—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 793—An act to amend Section 7380 of, and to add Section 7385 to, the Business and Professions Code, relating to cosmetology.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Collier, Coombs, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Ward, and Watson—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 796—An act to amend Section 7320 of the Business and Professions Code, relating to cosmetology.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Collier, Coombs, Cunningham, Desmond, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, and Watson—28.
NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 36

Senator Swing moved that Senate Bill No. 36 be withdrawn from Committee on Business and Professions for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 36—An act to add Section 2137.1 to the Business and Professions Code, relating to the practice of medicine within state institutions, prisons, or homes.

Bill read second time.

Motion to Amend

Senator Swing moved the adoption of the following amendment:

Amendment No. 1

Strike out lines 3 to 12, inclusive, of the amended bill and insert
"2137.1. Subject to the provisions of the State Civil Service Act, any person who is licensed to practice medicine in any other state and who complies with each and

all of the requirements of Section 2147.5 with respect to registration with the board and credentialed by a school approved by the board, may be appointed to a medical staff within a state institution and, under supervision of a licensed physician and surgeon, may treat persons under the jurisdiction of any such state institution for a period not exceeding one year, or until October 1, 1951 or longer, as later. At the end of such time he must have secured a physician's and surgeon's certificate in order to continue as a member of such medical staff. Until such person has obtained a physician's and surgeon's certificate he shall not engage in the practice of medicine and surgery in this State except to the extent expressly herein permitted."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Motion to Take Bill From the Inactive File

Senator Mayo moved that Assembly Bill No. 1073 be taken from the inactive file and placed on the second reading file.

Motion carried.

President Pro Tempore of the Senate Presiding

At 4:25 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1203—An act to amend Section 194.57 of the Education Code, relating to civic centers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Ashline, Brown, Michael J. Burns, Collier, Combs, Cunningham, DeLong, Edwards, Jones, Hathorn, Hahn, Keating, Kraft, Mayo, McBride, Miller, O'Brien, Pateman, Powers, Regan, Rich, Solomon, Sutton, Ward, Watson, and Williams—26.

NOES—Senators Donnelly, Drabish, Johnson, and Judah—4.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 32—Relative to the cessation until January 1, 1950, of expenditure for a new site for the California Institution for Women.

Resolution read.

Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

Amendment No. 1

In lines 1, 2, and 3 of the title of the printed measure, as amended in Senate, April 21, 1949, strike out "Relative to the cessation until January 1, 1950, of expenditure for a new site for the California Institution for Women," and insert "Relative to the cessation until 90 days after adjournment of the 1949 Session of the Legislature, of expenditures under Chapter 1951 of the Statutes of 1947 which authorized the removal of the California Institution for Women at Tehachapi and made an appropriation therefor."

Amendment No. 2

On page 2, line 12, of said measure, strike out "January 1, 1950," and insert "90 days after the final adjournment of the 1949 Session of the California Legislature."

Amendments read, and adopted.

Resolution ordered printed, re-engrossed, and to third reading.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered :

Senate Constitutional Amendment No. 32: By Senators Dilworth and Salsman—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 15 to Article XVI thereof, relating to the issuance of bonds to provide aid to school districts of the State.

Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred :

Senate Bill No. 801
Senate Bill No. 804
Senate Bill No. 808
Senate Bill No. 812

Senate Bill No. 814
Senate Bill No. 815
Senate Bill No. 816

Has had the same under consideration, and reports the same back with the recommendation : Do pass.

Committee membership 9 ; committee vote : Ayes 5 ; absent 4.

HUGH M. BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred :

Senate Bill No. 817

Has had the same under consideration, and reports the same back with amendments with the recommendation : Amend, and do pass as amended.

Committee membership 9 ; committee vote : Ayes 5 ; absent 4.

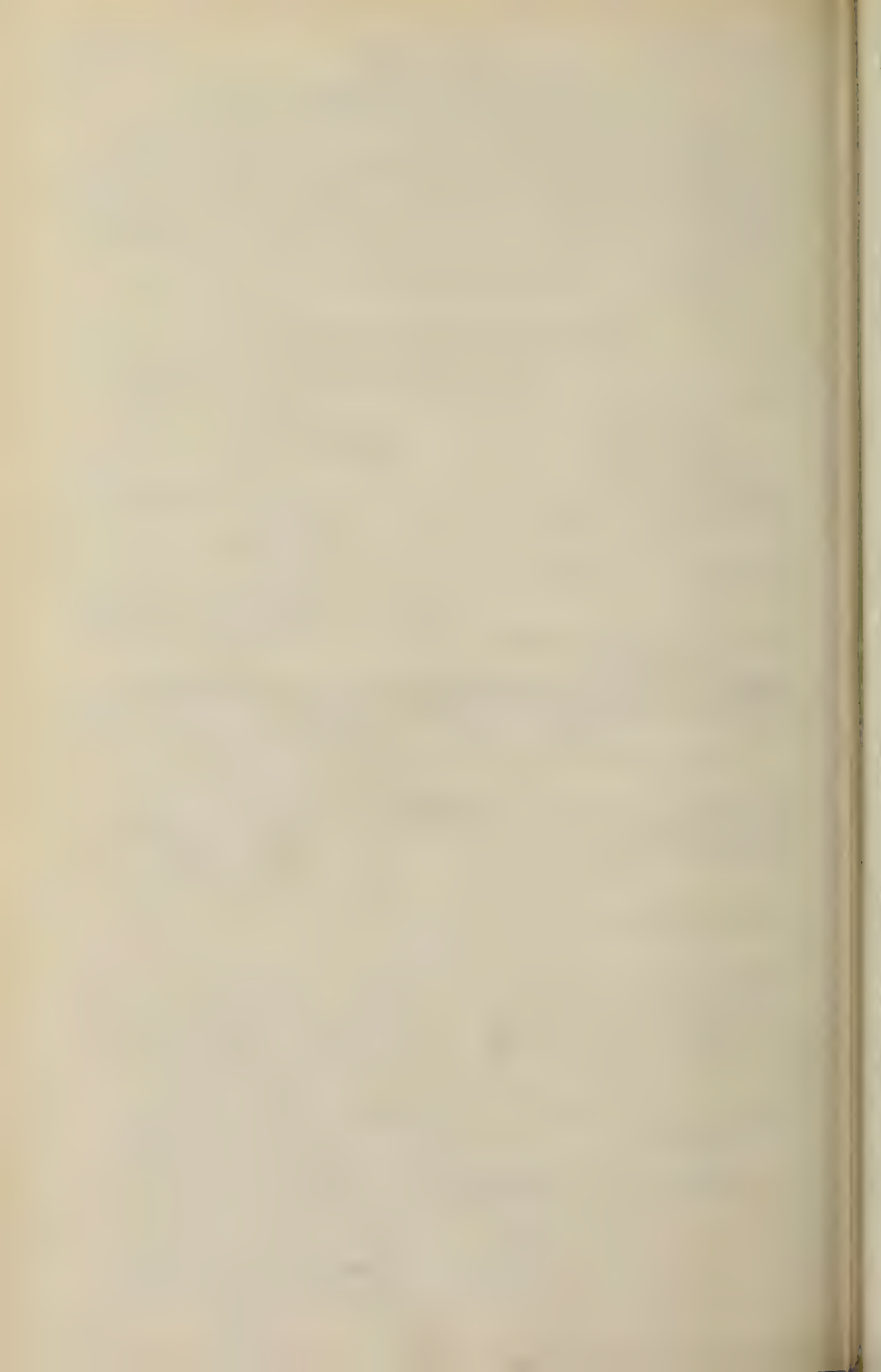
HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 4.43 p.m., on motion of Senator Salsman, the President declared the Senate adjourned until 1.30 p.m., Tuesday, April 26, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTY-EIGHTH LEGISLATIVE DAY

ONE HUNDRED FOURTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, April 26, 1949

The Senate met at 1.30 p.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—39.

Quorum present.

PRAYER

By invitation of the President, prayer was offered by Rev. Dr. Clarence A. Kircher, Minister, Westminster Presbyterian Church of Sacramento.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ned Robinson of Oakland and Ted Sawyer of Berkeley.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Calvin Setzer and Al Bord of Sacramento.

On request of Senators Tenney and Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ernie Loucks of Los Angeles.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Floyd White of Long Beach.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joyce Yonce of Marysville.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Beldon Gardner and Paul Newman of Berkeley, Mr. Pauley, and Miss Pauley, of Oakland.

On request of Senator Hugh M. Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clyde Lester of Sanger, Chet Cary of Fresno, Virgil Rasmussen of Sanger, George Zaninovich of Orange Cove and Robert Briley of Phoenix, Ariz.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Barsotti, Mr. Reiterman and Lane DeLara, teachers, Mrs. Joseph H. Dwilla, Mrs. A. Cameron Ball and Mrs. Theodore Rathjens, members of the P.-T. A., and the following students of Marina Junior High School of San Francisco: Sam Allen, Joe Alioto, Donald Ball, Jim Bryson, Alfred Cortese, Phillip Chan, Henry Dordorian, Milton Esposto, Richard Faria, Kermit Gates, Melvyn Hall, Jimmy Harper, Bill Jensen, John Lodmell, Neil Malloch, Richard Myers, Gerald Ng, Elliott Shapiro, Clifford Woodward, Doris Bosco, Margaret Bennett, Sidney Hoffman, Cynthia Jones, Magnolia Jackson, Kathleen Kelley, Cecile Landry, Toni Omar, Julie Pearl, Shirley Rathjens, Pat Stone, Eugenia Smith, Doris Devincenzi, Sally Jo Dwilla, Sally Day, and Marjorie Dineen.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of San Diego Chamber of Commerce: O. M. Avison, Elwood T. Bailey, Andrew N. Baird, Lee Bannister, Kenneth Berglund, Roy F. Bleifuss, Tom Bomar, R. W. Bowman, Dave Britton, Joe Byers, Charles A. Cannon, Howard Carroll, Ross S. Carter, M.D., Frank Cavanagh, Keith W. Clague, Ralph Cloyd, Curtis Coleman, Albert B. Compher, Ralph A. Cook, Arthur Cooksey, John Cotton, Robert B. Coyner, Frank O. Culy, Fred E. Davies, S. Ernie Davis, George Dew, Elton W. Duff, Jim Durnall, William L. Edie, Thomas Fielding, Jack Fleig, Willis H. Fletcher, Herbert Fredman, R. Hastings Garland, Capt. Leslie E. Gehres, U. S. N., William Gibbs, Jr., O. H. Gilbert, Ewart W. Goodwin, McArthur Gorton, Dr. Robt. M. Griffin, Stanley Grove, Sam W. Hamill, Roy Hammond, Jack Hanna, J. L. Haugh, Maj. Gen. Leo D. Hermle, Com. Gen., Marine Corps Recruit Depot, Murray W. Hill, K. R. Hodgkinson, Dean Howell, Craig Howry, Cy Irving, Howard V. Johnson, J. Don Keller, Charles Kerch, Arnold Klaus, John Knobel, Mayor Lorenze Koester, Walter M. Krames, Fred Kunzel, Arthur H. Marston, Jr., Hubert Martin, Harrison W. Mason, Leland S. Mead, E. G. Merrell, Jr., Roy J. Miller, Fred B. Mitchell, Arno W. Mueller, William G. Myers, Kenneth A. Nairne, Phil Neary, Charles H. Nelson, Jack L. Oatman, Lynn C. Oviatt, Homer D. Peabody, J. W. Percival, Stanley

Potter, W. E. Pugh, Ralph Phillips, Howard R. Reuter, Fred A. Rhodes, Bart Sayer, Ed P. Scott, G. W. Sears, James G. Shea, Mitchell Simon, Gen. H. M. Smith, U. S. M. C., Adm. Wm. H. Standley, U. S. N., Harold B. Starkey, Jack D. Stocking, Russell S. Stowell, O. W. Todd, Jr., Walter Tufford, Lester J. Wilson, Charles B. Wincote, and Robert H. Zimmer.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 819—An act to add Section 17500.1 to the Business and Professions Code, relating to regulation of advertising.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Joint Resolution No. 30

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 26
Assembly Bill No. 443
Assembly Bill No. 445
Assembly Bill No. 1555
Assembly Bill No. 1864
Assembly Bill No. 1867

Assembly Bill No. 1910
Assembly Bill No. 2128
Assembly Bill No. 2459
Assembly Bill No. 2612
Assembly Bill No. 2982

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 25

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 26—An act to add Section 20894.2 to the Government Code, relating to employees of contracting agencies in the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 443—An act to amend Section 142 of the Vehicle Code, relating to vehicles exempted from registration and the definition of implements of husbandry in relation thereto.

Referred to Committee on Transportation.

Assembly Bill No. 445—An act to add Section 6361 to the Revenue and Taxation Code, relating to retail sales and use taxes.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1555—An act to add Section 6 to an act entitled "An act providing for the joint exercise of powers by public agencies," approved May 20, 1921, and to add Section 6513 to the Government Code, relating to privileges and immunities of officers and employees while acting under the joint exercise of powers by public agencies.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1864—An act to add Section 717 to the Vehicle Code, relative to closing highways by peace officers in emergencies.

Referred to Committee on Transportation.

Assembly Bill No. 1867—An act to amend Section 139.31 of the Vehicle Code, relating to shooting practice, instruction and contests by members of the California Highway Patrol.

Referred to Committee on Transportation.

Assembly Bill No. 1910—An act to amend Sections 20023, 20024, 20920, 20921, 20922, 21253, and 21362 of, to repeal Section 21255 of, and to add Sections 20654.6, 20654.7, 20654.8, 20654.9, 20654.95, and 21251.3 to, the Government Code, relating to the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2128—An act to add Section 11154.5 to the Government Code, relating to leaves of absence for state employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2459—An act to amend Section 19433 of the Business and Professions Code, relating to horse racing.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2612—An act to add Section 459.7 to the Vehicle Code, relating to the regulation of traffic on private roads in housing projects or within the site of housing owned or operated by housing authorities, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

Assembly Bill No. 2982—An act to add Article 14, comprising Sections 14594 to 14599, inclusive, to Chapter 2 of Part 3 of Division 12 of the Health and Safety Code, relating to the powers of the governing board of a county fire protection district.

Referred to Committee on Local Government.

Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 14 of Article I thereof, relating to eminent domain.

Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Joint Resolution No. 28—Relating to the construction of flood control works for the Lower Klamath and Tule Lake Federal Waterfowl Refuges;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twenty-sixth day of April, 1949, at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 33—An act to add Section 11010 to the Government Code, relating to charges made by state agencies;

Senate Bill No. 268—An act to amend Section 4629 of the Education Code, relating to unified school districts;

Senate Bill No. 321—An act to amend Section 28157 of the Government Code, relating to compensation for public services in counties of the fifty-seventh class;

Senate Bill No. 371—An act to add Section 10953.95 to the Insurance Code, relating to insurance;

Senate Bill No. 382—An act to authorize the Director of Finance to convey all right, title and interest of the State of California in and to certain real property;

Senate Bill No. 467—An act to amend Section 45.12 of the Unemployment Insurance Act, relating to the release or subordination of liens;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of April, 1949, at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 550—An act to amend Section 28152 of the Government Code, relating to compensation for public services in counties of the fifty-second class;

Senate Bill No. 552—An act to add Section 25562 to the Government Code, relating to county participation in centennial celebrations, declaring the urgency thereof and providing that this act shall take effect immediately;

Senate Bill No. 691—An act to amend Section 5012.1 to the Public Resources Code, relating to public utility structures and easements across state park lands;

Senate Bill No. 692—An act to amend Sections 4741, 4762, 4781, and 4788 of, add Sections 4801 and 4843 to, and to repeal Sections 4797 and 4798 of the Health and Safety Code, relating to county sanitation districts;

Senate Bill No. 704—An act to add Part 6.5 to Division 11, and Article 2.5 to Chapter 3, Part 8, Division 11, of the Water Code, and to add Section 25803.5 to said code, relating to distribution districts;

Senate Bill No. 736—An act to amend Sections 1195, 1196, and 1197 of the Military and Veterans Code, relating to officers of memorial districts and their election; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of April, 1949, at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 780—An act to add Section 12425 to the Government Code, relating to duties of the Controller;

Senate Bill No. 782—An act to amend Section 13924 of the Government Code, relating to the valuation of maintenance furnished to state employees;

Senate Bill No. 855—An act to amend Section 28113 of the Government Code, relating to compensation for public service in counties of the thirteenth class;

Senate Bill No. 859—An act to amend Sections 736 and 12903.5 of the Insurance Code, relating to insurance;

Senate Bill No. 861—An act to amend Section 1858.6 of the Insurance Code, relating to insurance;

Senate Bill No. 862—An act to amend Section 1020 of the Insurance Code, relating to insolvency and delinquency proceedings;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of April, 1949, at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 974—An act to add Section 755.2 to the Insurance Code, relating to life, disability and surety insurance and the payment of commissions thereon;

Senate Bill No. 977—An act to amend Section 1690 of the Insurance Code, relating to the issuance of restricted licenses to transact insurance;

Senate Bill No. 1099—An act to amend Section 13 of an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights of way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, as amended (Chapter 47, Statutes of 1944), relating to the submission of plans;

Senate Bill No. 1111—An act to amend Section 13145 of the Government Code, relative to retention of refunds by state agencies;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of April, 1949, at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 12

Senate Bill No. 1427

Senate Bill No. 551

Senate Joint Resolution No. 20

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 577

Senate Bill No. 1489

Senate Bill No. 711

Senate Concurrent Resolution No. 32

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Assembly Bill No. 997

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Natural Resources, to which was referred:

Assembly Bill No. 346

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

MAYO, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Assembly Joint Resolution No. 34

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 3; absent 2.

POWERS, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Assembly Bill No. 129

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 3; absent 2.

POWERS, Chairman

Above reported bill ordered to second reading.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Rules to which was referred the message from the Governor, dated April 18, 1949, appointing:

EDWARD M. SEACORD, to the California Veterans Board, vice self, for the term prescribed by law, ending January 15, 1953;

LOUIS H. BURKE, to the California Veterans Board, vice self, for the term prescribed by law, ending January 15, 1953;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 3; absent 2.

POWERS, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR

Motion to Confirm Appointments by the Governor

Senator Salsman moved that the Senate confirm and consent to the appointment of Edward M. Seacord and Louis H. Burke as members of the California Veterans Board.

The President put the question, "Will the Senate confirm and consent to the appointment of Edward M. Seacord and Louis H. Burke?"

The roll was called, with the following result:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Johnson, Judah, Keating, Mayo, McBride, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Edward M. Seacord and Louis H. Burke as members of the California Veterans Board.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Rules to which was referred the message from the Governor, dated April 18, 1949, appointing:

BEN KOENIG, to the Social Welfare Board, vice self, for the term prescribed by law, ending January 15, 1953;

JOHN C. CUNEO, to the Social Welfare Board, vice self, for the term prescribed by law, ending January 15, 1953;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 3; absent 2.

POWERS, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR**Motion to Confirm Appointments by the Governor**

Senator Salsman moved that the Senate confirm and consent to the appointment of Ben Koenig and John C. Cuneo as members of the Social Welfare Board.

The President put the question, "Will the Senate confirm and consent to the appointment of Ben Koenig and John C. Cuneo?"

The roll was called, with the following result:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—30.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Ben Koenig and John C. Cuneo as members of the Social Welfare Board.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1371

Senator Tenney moved that Senate Bill No. 1371 be withdrawn from Committee on Governmental Efficiency for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1371—An act to add Article 9 to Chapter 1 of Division 4 of Title 1 of the Government Code, relating to the fingerprinting of public employees, and making an appropriation.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, strike out ", and making an appropriation".

Amendment No. 2

On page 1, line 6, of said bill, strike out "Department of Corrections", and insert "State Bureau of Criminal Identification and Investigation".

Amendment No. 3

On page 1, line 12, of said bill, strike out "department", and insert "Bureau".

Amendment No. 4

On page 1, line 17, of said bill, after the period, insert "The head of each state, county, city, town, department, commission, division, bureau or other unit of government, shall be responsible for having the employees of his department, commission, division, bureau or other governmental unit, fingerprinted. The head of each state department, commission, etc., shall designate an employee, or employees or make whatever arrangements are necessary with another state, county or city governmental unit, to fingerprint the employees of such department, commission, division, bureau, or other unit of government, provided that such fingerprints shall be taken on standard fingerprint cards in the manner and form prescribed by the State Bureau of Criminal Identification and Investigation. The sheriff of a county shall fingerprint or cause to be fingerprinted all employees of said county upon request of the head of a county commission, department, division, bureau or other governmental unit of said county, provided that such fingerprints shall be taken on standard fingerprint cards in a manner and form prescribed by the State Bureau of Criminal Identification and Investigation, the chief of police of a city or town shall fingerprint, or cause to be fingerprinted all employees of said city or town, commission, department, division, bureau, or other governmental unit of said city or town, provided, that such fingerprints shall be taken on standard fingerprint cards in a manner and form prescribed by the State Bureau of Criminal Identification and Investigation."

Amendment No. 5

On page 1, line 19, of said bill, strike out "kept and properly indexed by the department.", and insert "promptly forwarded via United States mail to the State Bureau of Criminal Identification and Investigation at Sacramento. Said fingerprints shall be classified, searched and kept in the files of the bureau. It is further provided that where the files of said bureau disclose that such employee has been previously charged with the commission of a public offense such information shall be transmitted by the Bureau of Criminal Identification and Investigation to the governmental agency which has forwarded the fingerprints of such employee to said bureau. The bureau may also transmit such information to any other federal, state, county, city, or government agency if such transmission appears to be in the public interest, but shall not transmit such information to any private agency nor to any private person not requesting such information in his official capacity as head of a governmental agency."

Amendment No. 6

On page 1 of said bill, strike out lines 20 to 23, inclusive, and insert "1254. Any person who wilfully violates, neglects, or refuses, to comply with any provision of this article shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment and in addition thereto shall forfeit his office."

Amendment No. 7

On page 1, line 24, of said bill, strike out "department shall", and insert "Bureau may".

Amendment No. 8

On page 1 of said bill, strike out lines 27 to 29, inclusive, and insert "1256. Every person, who after this article takes effect, is employed by the State of California or by a county, city or other political subdivision therein, shall come within the provisions of this article and such employees shall be fingerprinted at the time of their employment and said fingerprints promptly forwarded to the State Bureau of Criminal Identification and Investigation."

SEC. 2. This act shall become effective July 1, 1950."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Hatfield:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 42 of, and to add Sections 24, 50½, and 84½, to the Public Utilities Act, relating to public utilities, declaring the urgency thereof, to take effect immediately.

Respectfully submitted,

SENATOR HATFIELD

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 26, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Public Utilities.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—35.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1624: By Senator Hatfield—An act to amend Section 42 of, and to add Sections 24, 50½, and 84½, to the Public Utilities Act, relating to public utilities, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Public Utilities.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1617—An act to add Section 42.1 to an act entitled "Drainage District Act of 1903," relating to drainage districts.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 6, of the printed bill, after "obligations", insert "at the time the petition is presented to the board of directors as is hereinafter provided".

Amendment No. 2

On page 1 of said bill, strike out lines 7 to 11, inclusive, and insert "are hereafter created."

Amendment No. 3

On page 1, lines 18 and 19, of said bill, strike out "other than that levied to pay the liquidated bonded obligations".

Amendment No. 4

On page 2, line 29, of said bill, strike out “, except”, and strike out lines 30 to 33, inclusive, and insert a period.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1093—An act to amend Section 30745 of the Water Code, relating to county water districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 1 of the title of the printed bill, after the first “to”, insert “add Article 6 to Chapter 1 of Part 5 of Division 12, and”.

Amendment No. 2

In line 1 of the title of said bill, strike out “Section 30745”, and insert “and renumber Sections 31026 and 31027,”.

Amendment No. 3

In line 1 of the title of said bill, after the second “to”, insert “the acquisition, construction, maintenance, and operation of sewer facilities by or in”.

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 4

On page 1 of said bill, strike out line 1, and insert

“SECTION 1. Article 6 is added to Chapter 1 of Part 5 of Division 12 of the Water Code, to read:

Article 6. Sewer Facilities

31100. A district may acquire, construct, and operate facilities for the collection, treatment and disposal of sewage, waste and storm water of the district and its inhabitants.

31101. The district may prescribe, revise and collect rates or other charges for the services and facilities furnished pursuant to this article.

31102. The district may provide that such rates or other charges may be collected with the water rates of the district and that all rates shall be billed upon the same bill and collected as one item, and that in the event of failure to pay the whole or any part thereof, the district may discontinue any and all service for which such bill is rendered, but this provision shall not be construed to prohibit the collection of rates or charges by the district in any other lawful manner.

31103. Upon providing a sewer system in any area of the district the district may declare the further maintenance or use of cesspools or other local means of sewage disposal in such area to be a public nuisance and may require all buildings used by human beings to be connected with the sewer system within such period not less than ninety days from the completion of the sewer system as may be prescribed by the district; provided, that such buildings to be connected are within one hundred feet of the system.

SEC. 2. Section 31026 of the Water Code is amended and renumbered to read:

[31026.] 31006. *The rates and charges to be collected by the district* [The water rates] shall be so fixed as to yield an amount sufficient to do each of the following:

- (a) Pay the operating expenses of the district.
- (b) Provide for repairs and depreciation of works owned or operated by the district.
- (c) Pay the interest on any bonded debt.

(d) So far as possible, provide a fund for the payment of the principal of the bonded debt as it becomes due.

Sec. 3. Section 31027 of the Water Code is amended and renumbered to read: [31027.] 31007. It is intended by Section [31026] 31006 to require the district to pay the interest and principal of its bonded debt from the revenues of the district."

Amendment No. 5

On page 1 of said bill, strike out lines 2 to 4, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

Senate Bill No. 1562—An act to repeal Sections 3534 to 3537, inclusive, of the Revenue and Taxation Code, creating the Advisory Committee on Tax-deeded Property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 801—An act to amend Sections 8706, 8710, 8712, 8714, 8741, 8761, 8762, 8764, and 8784 of the Business and Professions Code, relating to the practice of land surveying.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 804—An act to add Section 105 to, and to repeal Sections 2103, 2705, 4003, 5517, 6713, 7004, and 7304 of the Business and Professions Code, relating to certificates of appointment and oaths of office of members of boards within the Department of Professional and Vocational Standards.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 808—An act to amend Section 9011 of the Business and Professions Code, relating to the Board of Social Work Examiners.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 812—An act to amend Sections 2701 and 2736.5, and to repeal Sections 2727.5, 2735, 2825, and 2826 of the Business and Professions Code, relating to the practice of nursing the sick and afflicted.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 814—An act to amend Sections 7514, 7522, 7526, 7527, 7531, 7538, 7547, 7551, 7565, and 7582 of, and to add Sections 7529.5, 7529.6, 7540, 7541, 7542, 7543, and 7549 to, the Business and Professions Code, relating to private detectives.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 815—An act to amend Section 403 of the Business and Professions Code, relating to buildings of the Department of Professional and Vocational Standards.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 816—An act to amend Section 2554 of the Business and Professions Code, relating to funds of the Board of Medical Examiners.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 817—An act to amend Section 2193 of the Business and Professions Code, relating to applicants for a physician's and surgeon's certificate.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 2, line 10, of the printed bill, strike out "practical", and insert "written".

Amendment No. 2

On page 2, line 11, of said bill, after "clinical", insert "and".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1755—An act to amend Section 6500.3 of the Welfare and Institutions Code, relating to the state institution for epileptics, and for mentally defective physically handicapped persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1197—An act to add Section 251 to the Revenue and Taxation Code, relating to the time of payments due taxing agencies.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1198—An act to amend Sections 2605, 2701, 2801, 2803, 2917, 4151, and 4152 of the Revenue and Taxation Code, relating to due dates of installment payments on the secured tax roll, payment on a portion of a parcel and to collection on unsecured roll.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1712—An act to amend Sections 11004 and 11005 of the Revenue and Taxation Code, relating to the disposition of motor vehicle license fees ("in-lieu" tax).

Bill read second time, and ordered to third reading.

Assembly Bill No. 1976—An act to amend Sections 2611 and 4992 of, add Section 3731 to, and repeal Sections 3637 and 4101.5 of the Revenue and Taxation Code, relating to the collection of taxes generally.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2002—An act to amend Sections 3351 and 3439 of the Revenue and Taxation Code, relating to real property taxation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2003—An act to amend Sections 4371, 4372, 4373, and 4374 of the Revenue and Taxation Code, relating to real property taxation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2025—An act to amend Sections 3442 and 3807.5 of the Revenue and Taxation Code, relating to real property taxation and the termination of the right of redemption of tax-deeded property reconveyed to the State of California.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2026—An act to add Chapter 3.3, comprising Sections 2851 to 2862, inclusive, to Division 1, Part 5 of the Revenue and Taxation Code, relating to the collection of taxes on real property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2602—An act to amend Section 3513 of the Revenue and Taxation Code, relating to the contents of deed.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2603—An act to amend Sections 3353, 3354, 3355, 3358, 3359, 3511, 4653, and to repeal Chapter 3 of Part 6, consisting of Sections 3476, 3477, 3478, 3479, 3480, and 3481, and Sections 3490, 3491, 3492, 3493, 4654, of the Revenue and Taxation Code, relating to the sale and deeding of tax-sold property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2604—An act to amend Sections 4916 and 4925 of; and add Section 5097.1 to the Revenue and Taxation Code, relating to the refund of duplicate and excess tax payments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2605—An act to amend Sections 4653, 4653.1, to repeal Section 4655 and to add Chapter 1.3 to Part 8, Division 1, consisting of Sections 4670, 4671, 4672, and 4673 to the Revenue and Taxation Code, relating to distribution of proceeds from sale of tax-deeded property.

Bill read second time, and ordered to third reading.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Conference concerning:

Senate Bill No. 819—An act to add Section 17500.1 to the Business and Professions Code, relating to regulation of advertising:

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in.

HUGH M. BURNS

BROWN

MAYO

Senate Committee on Conference

DOLWIG
CALDECOTT
CONDON

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Ward—33.

NOES—None.

Senate Bill No. 819 ordered enrolled.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1073—An act to add Sections 4941.1 and 4941.2 to, and to amend Section 4951 of the Education Code, relating to government of unified school districts and the election of superintendents of schools for such districts, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Mayo.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, and Williams—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Concurrent Resolution No. 42—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization, and the Members of the Senate and Assembly.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 42?

Amendment No. 1

On page 2, line 24, of the printed measure, after "Charles M. Weber", insert "Samuel William Yorty".

The roll was called, and the Senate concurred in Assembly amendment to Senate Concurrent Resolution No. 42 by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo,

McBride, Miller, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—34.

NOES—None.

Above resolution ordered enrolled.

Chief Assistant Secretary Cleve V. Taylor at the Desk

THIRD READING OF SENATE BILLS

Senate Bill No. 134—An act to amend Section 16484 of the Education Code, relating to school health reports.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parkman, Regan, Rich, Salsman, Swing, Tenney, and Williams—29.

NOES—Senators Dilworth, Drobish, McBride, Powers, Sutton, and Watson—6.

Bill ordered transmitted to the Assembly.

President of the Senate Presiding

At 2.20 p.m., Hon. Goodwin J. Knight, President of the Senate, presiding.

Senate Bill No. 577—An act to amend Section 5003.5 of the Public Resources Code, relating to highway and road easements across state park lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—34.

NOES—Senators Dillinger, Donnelly, Drobish, and Miller—4.

Bill ordered transmitted to the Assembly.

RECESS

At 2.45 p.m., on motion of Senator Powers, the Senate recessed to allow Senator Kraft to introduce Admiral William H. Standley, U.S.N., former Ambassador to Russia, present Chairman of Governor Warren's Crime Commission; Major General Leo D. Hermle, Commanding General, Marine Corps Recruit Depot; Captain Leslie E. Gehres, U.S.N., former Captain of U.S.S. Ben Franklin; and General H. M. Smith, U.S.M.C., to the Senate and each of these distinguished guests spoke briefly.

REASSEMBLED

At 2.50 p.m., the Senate reconvened.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the desk.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 791—An act to add Chapter 19 to Division 3, to amend Sections 10074 and 10461 of, and repeal Chapter 5 of Part 1 of Division 4, and Sections 10009, 10020, 10021, 10022, 10084, and 10085 of, the Business and Professions Code, relating to cemeteries, including the regulation of cemetery brokers and salesmen and cemetery corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Michael J. Burns, Busch, Collier, Crittenden, Desmond, Dillinger, Dilworth, Dorsey, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, and Williams—29.

NOES—Senators Abshire, Coombs, Cunningham, Donnelly, Drobish, Gibson, Rich, and Sutton—8.

Bill ordered transmitted to the Assembly.

Senate Bill No. 851—An act to amend the title and Sections 1, 2, 3, 15, and 16 of the Sanitation and Sewer Revenue Bond Act of 1941, relating to the financing of revenue-producing enterprises by municipalities.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 711—An act to amend Sections 10310, 10270.95, 10291.5, and 12957 of, and to add Section 10310.5 to the Insurance Code, relating to disability insurance policies.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Hugh M. Burns asked for, and was granted, unanimous consent to have Senate Bill No. 1131 passed on file and retain its place on file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Brown asked for, and was granted, unanimous consent to have Senate Bill No. 742 passed on file and retain its place on file until the next legislative day.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Concurrent Resolution No. 32—Relating to the cessation, until 90 days after adjournment of the 1949 Session of the Legislature, of expenditures under Chapter 1051 of the Statutes of 1947 which authorized the removal of the California Institution for Women at Tehachapi and made an appropriation therefor.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Miller, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 2841—An act to add Section 11f to the Municipal Court Act of 1925, relative to municipal courts and attaches thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Miller, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 475—An act to amend Section 1023 of, and to add Section 1023.1 to, the Agricultural Code, relating to fertilizing materials.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO SET SPECIAL ORDER

Senator Abshire moved that Senate Bill No. 1377 be made a special order of business for Thursday, April 28, 1949, at 2.30 p.m.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Collier moved that Assembly Bill No. 600 be taken from the inactive file and placed on the second reading file.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 551—An act to amend Sections 446, 450, 452, 453, and 457 of the Education Code, relating to the salaries of the county superintendents of schools of counties of the forty-sixth, fiftieth, fifty-second, fifty-third, and fifty-seventh classes respectively.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 20—Memorializing the Congress of the United States to modify the classification of items subject to tax as luxuries.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Rich, Sutton, Swing, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 1489—An act to amend Section 28118 of the Government Code, relating to compensation for public services in counties of the eighteenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Jespersen:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 120 of the Agricultural Code, relating to the sale of nursery stock.

Respectfully submitted,

SENATOR JESPERSEN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 26, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Agriculture.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—30.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 1625: By Senator Jespersen—An act to amend Section 120 of the Agricultural Code, relating to the sale of nursery stock.

Referred to Committee on Agriculture.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Hatfield moved that Senate Bill No. 271 be taken from the inactive file for the purpose of amendment and placed on the second reading file.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 271—An act to amend Sections 735.3, 736.1-1, and 736.3 of, and to add Section 735.10 to, the Agricultural Code, relating to fluid milk and fluid cream.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 22 to 24, inclusive.

Amendment No. 2

On page 2 of said bill, as amended, strike out lines 1 to 17, inclusive, and insert "Class 1. Any fluid milk or the cream therefrom that is supplied to consumers as market milk or market cream or any combination of market milk and market cream, or any market milk which is not packaged in hermetically-sealed containers, or any other dairy product in which the use of market milk is required by the provisions of this code, or any fluid milk or the cream therefrom which is used in standardizing market milk."

Amendment No. 3

On page 2, line 20, of said bill, as amended, strike out the colon and insert a period.

Amendment No. 4

On page 2 of said bill, as amended, strike out lines 25 to 30, inclusive, and insert "In the establishment of the minimum prices for one or more of the respective classes separate prices may be established for the milk fat contained in such milk or the skim milk contained in such milk or a combination of the milk fat and the skim milk contained in such milk."

Amendment No. 5

On page 2 of said bill, as amended, strike out lines 42 to 48, inclusive, and insert "(c) 'Fluid cream' means cream as defined in this code, and any combination of cream and milk, or any fluid product of milk or cream sold under any trade name whatsoever, which is not packaged in hermetically sealed containers and which contains more than 11.6 percent milk fat and conforms to the health and sanitary regulations of the place where sold or disposed of for human consumption."

Amendment No. 6

On page 4, line 38, of said bill, as amended, strike out the semicolon, and insert a period.

Amendment No. 7

On page 4, line 38, of said bill, as amended, strike out "the", and insert "The".

Amendment No. 8

On page 4, line 39, of said bill, as amended, immediately following "Class 1", strike out the comma, and insert "in pounds of milk or pounds of milk fat or gallons of milk,".

Amendment No. 9

On page 4, line 51, of said bill, as amended, strike out "Class 2".

Amendment No. 10

On page 4, line 52, of said bill, as amended, strike out "or".

Amendment No. 11

On page 4, line 52, of said bill, as amended, strike out "classes are", and insert "class is".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to second reading.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1687—An act to amend Section 24400 of the Health and Safety Code, relating to abandoned excavations, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Desmond moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 3 and 4, of the printed bill as amended in Senate April 20, 1949, strike out "or having charge of land on which is located", and insert "land in fee simple

or in possession thereof under lease or contract of sale who knowingly permits the existence on the premises of".

Amendment No. 2

On page 1, line 5, of said bill, strike out "passers-by or livestock", and insert "persons legally upon the premises;"

Amendment No. 3

On page 1, line 6, of said bill, after "livestock", insert "and".

Amendment No. 4

On page 1, line 6, of said bill, strike out "it securely," and insert "securely any such dangerous abandoned excavation".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1356—An act to add Section 1767.7 to the Welfare and Institutions Code, relating to the care of paroled persons under the jurisdiction of the Youth Authority.

Bill read third time.

Motion to Amend

Senator McBride moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "1765.5.", and insert "1767.5."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1273

Senator Desmond moved that Senate Bill No. 1273 be withdrawn from Committee on Agriculture for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1273—An act to amend Section 630 of the Agricultural Code, relating to dried milk and dried milk products.

Bill read second time.

Motion to Amend

Senator Desmond moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, immediately after "Section 630 of", insert ", and to add Sections 630.1 and 630.2 to,".

Amendment No. 2

On page 1 of the printed bill, after line 9, add the following:

"SEC. 2. Section 630.1 is added to the Agricultural Code, to read:

630.1. Products resulting from the dehydrating of cream, milk, skim milk, or any combination thereof combined with harmless flavoring, sweetening, edible stabilizer, coloring, vitamin, malt, or any combination thereof or other edible substances approved by the director may be manufactured under special permit from the director. The standards of composition and labeling requirements shall be promulgated by the director and designated on the permit issued for their manufacture. No permit is required of any distributor, processor, or retailer of such product or any milk drink

product prepared therefrom if the original manufacturer thereof shall have obtained a permit as herein provided.

SEC. 3. Section 630.2 is added to the Agricultural Code, to read:

630.2. Notwithstanding any provisions of this division, it shall be lawful to use and sell any product classified by Section 630.1 in the preparation, manufacture, use or sale of any milk drink when such milk drink is prepared or manufactured for sale at retail for consumption on the premises. The preparation or reconstitution on such premises of liquid milk drinks, exclusively by the use of products defined in Section 630.1 shall not be deemed to constitute such premises a milk products plant as defined in this division."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Hulse moved that Assembly Bill No. 1717 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Dilworth moved that Senate Bill No. 228 be taken from the inactive file and re-referred to Committee on Education.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Breed moved that Assembly Bill No. 608 be taken from the inactive file and placed on the second reading file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1053

Senator Busch moved that Senate Bill No. 1053 be withdrawn from Committee on Fish and Game for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1053—An act to amend Section 19.6 of the Fish and Game Code, relating to the powers of the Fish and Game Commission.

Bill read second time.

Motion to Amend

Senator Busch moved the adoption of the following amendment:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 19.6", and insert "Sections 14.2, 15, 15.1, 15.2, 15.3, 18, and 19.6 and to repeal Sections 16, 16.1, and 16.2".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 14.2 of the Fish and Game Code is amended to read:

14.2. In addition to any other regular or special meetings, the commission shall hold two meetings in January [and two meetings in April] of each year. The

January meetings shall be devoted to determining what, if any, orders should be made pursuant to this article in relation to fish, mollusks, crustaceans, amphibia and reptiles and to the making of such orders [The April meetings shall be devoted to determining] and what, if any, orders should be made pursuant to this article in relation to birds and mammals and to the making of such orders. [Notice of each of said meetings shall be filed with the Secretary of State at least five days prior to the meeting, and t] The commission, in the case of the [first meetings] *second meeting* in January [and April], shall give notice of the time and place of [each of such] the [meetings] *meeting* by publishing a notice thereof in one newspaper of general circulation printed and published in each of the counties and cities and counties of the State, or if no newspaper of general circulation is printed and published in a county, then in a newspaper of general circulation circulated in such county, in at least one issue of such newspaper published not less than fifteen days prior to the meeting and shall also publish notice of such meeting in any publication issued by the commission after the determination of the time and place of such meeting and prior to the date thereof. Any such meeting shall be open to the public.

SEC. 2. Section 15 of said code is amended to read:

15. The first [meetings] *meeting* in January *shall be held on the first Monday after the first day of January and* [in April shall be held within the first 10 days of the month and the second meetings within the final 10 days of the month.] *the second meeting shall be held on the last Monday in January. In even numbered years the first meeting will be held in San Francisco and the second meeting in Los Angeles. In odd numbered years the first meeting shall be in Los Angeles and the second meeting in San Francisco.* All such meetings shall be at the state buildings in said cities.

SEC. 3. Section 15.1 of said code is amended to read:

15.1. At the first meeting in January the commission shall receive recommendations from its own officers and employees, from public agencies, from organizations of private citizens, and from any interested party as to what, if any, orders should be made relating to fish, mollusks, crustaceans, amphibia, [and] reptiles, *birds, and mammals, or any species or variety thereof.*

SEC. 4. Section 15.2 of said code is amended to read:

15.2. [At or p] Prior to the second meeting in January the commission shall publicly announce its determinations and the orders it intends to make. The commission may hear and consider any objections to its determinations or proposed orders.

SEC. 5. Section 15.3 of said code is amended to read:

15.3. At or within [30] 10 days after the second meeting in January the commission may make such orders in relation to fish, mollusks, crustaceans, amphibia, [and] reptiles, *birds, and mammals, or any species or variety thereof* as it deems necessary to preserve, properly utilize or maintain the best relative number of each species or variety.

SEC. 6. Sections 16, 16.1, and 16.2 of said code are repealed.

SEC. 7. Section 18 of said code is amended to read:

18. The commission may do anything that it deems necessary and proper to provide publicity to its orders to the end that persons likely to be affected thereby may be informed, but the failure of the commission to provide any notice of its orders other than by filing them with the Secretary of State shall not impair the validity of such orders. *Within thirty days after the second meeting in 1950, the commission shall compile and distribute a one volume publication containing all regulations theretofore adopted pursuant to this article together with such regulations as may be adopted at such meeting. Thereafter within thirty days after the final January meeting of each year, the commission shall publish and distribute in booklet form such regulations as shall be adopted at such meeting.*

Copies of all such publications shall be mailed to each district attorney, county clerk and justice of the peace throughout the State.

SEC. 8. Section 19.6 of said code is amended to read: "

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

RESOLUTIONS

The following resolution was offered:

By Senator Breed:

Senate Resolution No. 88

Relating to the powers of the Senate Standing Committee on Public Health and Safety

WHEREAS, The disposal of garbage and other refuse throughout the State of California has become an extremely acute problem because of the increase in population and the growth of industry during and after the recent war, and

WHEREAS, Existing methods of garbage and refuse disposal by burning, fill and cover, or dumping are in many cases either inadequate or tend to create acute problems affecting the public health and safety, and

WHEREAS, An immediate survey and analysis of existing and proposed methods of disposing of garbage and other refuse is necessary to protect the public health and prevent economic waste,

Resolved by the Senate of the State of California,

1. The Senate Committee on Public Health and Safety is hereby constituted an investigating committee pursuant to Rule 12.5 and Senate Resolution No. 24 of the 1949 Regular Session.

2. The committee is authorized to act during this session of the Legislature, including any recesses, and after final adjournment until the commencement of the 1951 Regular Session, with authority to file its final report not later than the thirtieth day of that session.

3. The committee is further authorized to make or cause to be made a survey and analysis of existing and proposed methods of disposing of garbage and other refuse. The survey and analysis shall include assembling and studying existing published information on refuse and garbage disposal methods and detailed engineering and economic analyses made on the basis of engineering field investigation of actual operations within and outside of California, including a sufficient number of each kind of disposal methods to enable general conclusions to be drawn. Specific recommendations shall also be made concerning needed research and experimentation with respect to any method or methods of collection and disposal. The information secured as a result of this survey shall be made available to all persons within the State affected by or interested therein.

4. The committee has the following additional powers and duties:

a. To contract with the Regents of the University of California for the rendition and affording of such services, facilities, studies and reports by the Department of Engineering of the University of California as will best assist the committee in carrying out the purposes of this resolution.

b. To cooperate with and secure the cooperation of interested counties, cities, cities and counties, districts, persons, organizations and corporations in investigating any matter within the scope of this resolution.

c. To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties and accomplish the objectives and purposes of this resolution.

5. The sum of _____ thousand dollars (\$_____), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification, by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 48: By Senator Gibson—Relative to approving amendments to the charter of the City of Vallejo, a municipal corporation in the County of Solano, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the fifth day of April, 1949.

Resolution ordered printed, and placed on third reading file.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 554

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Transportation.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill re-referred to Committee on Transportation.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 336

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1321

Senate Bill No. 1268

Assembly Bill No. 1856

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 645

Assembly Bill No. 347

Assembly Bill No. 1854

Assembly Bill No. 1950

Assembly Bill No. 2018

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Joint Resolution No. 4

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1472

Assembly Bill No. 1713

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 628

Senate Bill No. 1568

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which was referred:

Senate Bill No. 396

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which was referred:

Senate Bill No. 1425

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which was referred:

Senate Bill No. 1424

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which was referred:

Senate Bill No. 1006

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which were referred:

Senate Bill No. 697
Assembly Bill No. 1287
Assembly Bill No. 3102

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bills ordered to second reading.

Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Public Utilities, to which was referred:
Assembly Bill No. 3098

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 5; absent 2.

DESMOND, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:
Assembly Bill No. 429
Assembly Bill No. 430

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; noes 3; absent 2.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Assembly Bill No. 2710

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:
Senate Bill No. 497

Assembly Bill No. 992
Assembly Bill No. 1394

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Senate Bill No. 99

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; noes 1; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Senate Bill No. 93

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 8; noes 2; absent 2.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Senate Bill No. 423

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Senate Bill No. 493

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 7; noes 2; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 4.15 p.m., on motion of Senator Breed, the President declared the Senate adjourned until 1.30 p.m., Wednesday, April 27, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTY-NINTH LEGISLATIVE DAY
ONE HUNDRED FIFTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, April 27, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jaspersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—39.

Quorum present.

PRAYER

By invitation of the President prayer was offered by Rev. Dr. Clarence A. Kircher, Minister, Westminster Presbyterian Church of Sacramento.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. David C. Dunlap, Louise, Sarah, and Susan.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. William Black and Dr. Hiram Newton of San Diego.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Marvin McDow and Warren Smith, instructors, and the following students of Stockton College: Dale Bartles, Blanche Benko, Albert Chan, Lesley Clark, Dean Coleman, Georgia Dale, Joanne Davis, Jim Duncan, Marjorie Eekstein, Carol Faight, Marlene Fetzer, Shyrl Feaver, Joan

Franco, Mark Gee, Ronald Higday, Dorothy Hollins, Claire Holmes, Corienne Howell, Edward Jacobs, Hugh Jessup, Bob Kraetsch, Marlene Larry, Dorothy Liversledge, Helen Louie, Betty Low, Dolores Mohle, Marie Moresco, Arlene Morgan, Joanne Morrill, Gloria Murphy, Sharon Nauman, Beverly Podesto, Norma Polk, Doreen Pontoon, Donald Pratt, Ronald Pratt, Barbara Pugh, Alice Reithline, Willa Sanford, Carol Sweet, Joe Stephenson, Grace Storer, Marie Teunisson, Donna Tillery, John Tyrell, Evelyn Vallin, Marion VanVranken, Dolores Wilson, Joyceelyn Wong, Betty Ring, and Jimmy Uyemura.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George MacRae of San Francisco.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Robert L. Merrill of Hemet and Dr. Harold Behneman of Palm Springs.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Helen Chapman, teacher, and the following students of Nevada City High School: Douglas Atkins, Jewell Barker, Bill Beverage, Jerry Coleman, Bud Deschanden, Githa Dorris, Roy Draper, Audrey Foote, Mary Hartell, Allan Hewitt, Roberta Hurst, Bob Thompson, Robert Walkington, Cora Williams, Paul Peterson, Diane Poulsen, Diana Rankin, Ray Steck, Joyce Synder, Glenda Judd, Gordon Lageson, Jenny Lamson, Phyllis Lewis, and Joyce Moore.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Clint Fuleher of Modoc County.

On request of Senators O'Gara and Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James J. Kehoe and Donald L. Myers of San Mateo.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. Harold Brown of Oakland and Robert B. Drew of Walnut Creek.

On request of Senator Watson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Shelden of San Francisco.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Doris Stump, Ida Doose and Mollie Joyce, teachers, and the following Seventh Grade Students of the Fruit Ridge School, Sacramento County: Mary Abbott, Buckley Barnes, Michael Beals, Larry Black, Maysie Carder, Joanne Caselli, Wanda Chapman, Virginia Dunavan, Gary Egan, Frances Fabres, Albert Ford, Gay Gallacher, Carnation George, Stanley Goulding, Stanley Gray, Eleanor Haskett, Martha Houtman, John Hughes, Joan Jackson, Jerry Jarvis, Elaine Krueger, Homer Maier, James Marchand, Shirley Pendleton, Shirley Persinger, Patricia Pratt, Barbara Rickard, Keiji Takagi, Harold Woods, John Andrews, Dean Austin, Robert Baker, Richard Barkell, William Bryant, Marjorie Cherry, Richard Domingo, Richard Dow, Robert Duval, Sandra Hendon, Barbara Howard, Leon Jackson, Edward Jerke, Wilma London, Liddie Martin,

Shirley Mathieson, Ronald Miller, Marlene Ott, Patricia O'Reilly, Theodora Perez, Larry Ringle, Shirley Santin, John Scheid, Dorene Shaw, Hazel Sybrandy, David Thielen, Marrietta Vlardi, Edward Wieand, Donald Briggs, Joan Buno, Diane Cecchetti, Jack Devault, LeRoy De Witt, Naomi Gage, Marian Kozial, Sharon Lopez, James Madison, Wayne Martin, Patricia Moreno, Girard Oliphant, Emil Pendleton, Ralph Perez, Betty Philbrook, Nancy Pittman, Gayle Renner, Marian Repanich, James Reynolds, Shirley Scheid, Helen Snelling, Harry Steele, Roger Swan, Lavinia Turley, Carolyn Vest, Norris Walery, and Norio Yasuda.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Leonard J. Roach, Supervisor Second District, of Los Angeles.

On request of Senator Watson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. John R. Ball of Santa Ana.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Willard H. Van Dyke, District Superintendent and the following Junior American History Class students of Tamalpais Union High School of Mill Valley: Nancy Ring, Marlene Chaon, Mary Van Winkle, Allan Reynolds, Robert Donati, Philip Molten, and James Walker.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 827

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 45—Relative to approving amendments to the charter of the City of Porterville, a municipal corporation, in the County of Tulare, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the fifth day of April, 1949;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twenty-sixth day of April, 1949, at 4.30 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 392—An act to amend Sections 736.11, 737.5, and 737.7 of the Agricultural Code, relating to marketing of fluid milk and fluid cream;

Senate Bill No. 567—An act to amend Section 12 and to repeal Section 13 of "An act to provide a unified program of construction, improvement, and equipment for state agencies, creating a State Public Works Board, and making an appropriation to carry out the provisions of this act," approved March 13, 1946, relating to reports of the State Public Works Board;

Senate Bill No. 1283—An act to add Section 725 to the Insurance Code, relating to the regulation of interlocking directors of insurance companies;
And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of April, 1949, at 4.30 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 801	Senate Bill No. 814
Senate Bill No. 804	Senate Bill No. 815
Senate Bill No. 808	Senate Bill No. 816
Senate Bill No. 812	Senate Bill No. 1562

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 271

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 817	Senate Concurrent Resolution No. 48
Senate Bill No. 1617	Senate Joint Resolution No. 4

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Assembly Bill No. 918

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 10; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Assembly Bill No. 903	Assembly Bill No. 906
Assembly Bill No. 904	Assembly Bill No. 920
Assembly Bill No. 905	Assembly Bill No. 924

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 10; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Assembly Bill No. 1647

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8; noes 2; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Senate Bill No. 393

Senate Bill No. 485

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 10; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

MOTION TO APPROVE THE JOURNALS

Senator Powers moved that the Journals for Monday, April 18, 1949; Tuesday, April 19, 1949; Wednesday, April 20, 1949; Thursday, April 21, 1949; and Friday, April 22, 1949, be approved as corrected by the Minute Clerk and the Journal Clerk.

Motion carried.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1321—An act to add Section 20567.1 to the Government Code, relating to the State Employees' Retirement System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "A contract of", and insert "When".

Amendment No. 2

On page 1, line 4, of said bill, strike out "which".

Amendment No. 3

On page 1, line 4, of said bill, strike out "because of incorpora-", and strike out all of lines 5 to 10, inclusive; and in line 11 strike out "cedure," and insert "and is succeeded by, or the territory thereof is attached to, another agency which is not required by law to assume the contract of the former agency, the contract of the former agency shall not be considered as terminated under this chapter if the succeeding agency".

Amendment No. 4

In line 13 of said bill, after "continuation", insert " , with such amendments as the new contract makes,".

Amendment No. 5

In line 15 of said bill, strike out the period after "employees", and insert " , and an election among such employees shall not be required, unless their contributions are affected by the new contract."

Amendment No. 6

On page 1, line 23, of said bill, after "of", insert "the".

Amendment No. 7

Following line 28 of said bill, insert

"SEC. 2. Section 20567.2 is added to the Government Code, to read:

20567.2. When a contracting agency, hereinafter called former agency, ceases to exist and is succeeded by, or the territory thereof is attached to, another agency which is required by law to assume the contract of the former agency, the legislative body of the succeeding agency and the Board of Administration may enter into a contract under which the employees of the succeeding agency shall be members of this system. In that event, the new contract shall be considered as a continuation, with such

amendments as the new contract makes, of the contract of the former agency with respect to the former agency's employees, and an election among such employees shall not be required, unless their contributions are affected by the new contract. Accumulated contributions held for or as having been made by former agency and its employees and assets derived from such contributions, shall be merged with analogous contributions under the contract of succeeding agency, and credit for prior and current service to persons who were members under former agency's contract, shall not be changed by the transaction. Other employees of the succeeding agency, including employees of a non-contracting public agency included in the procedure, shall become members under the contract with the governing board of succeeding agency in the manner applying to employees of other contracting agencies, and shall receive credit for service accordingly."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1268—An act to provide for the acquisition of the old State Capitol Building at Benicia as a state monument, authorizing the City of Benicia to grant such property to the State, providing for the improvement thereof, providing for the use and maintenance thereof by the City of Benicia on behalf of the State, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "acquisition", and insert "acceptance".

Amendment No. 2

In line 3 of the title of said bill, strike out "provid", and strike out all of lines 4, 5, and 6, and insert "and authorizing the Division of Beaches and Parks in the Department of Natural Resources to lease portions of the property and building to the City of Benicia."

Amendment No. 3

On page 1, line 2, of said bill, strike out "acquire", and insert "accept".

Amendment No. 4

On page 1, line 9, of said bill, strike out "shall restore, rehabilitate and", and strike out lines 10 to 26, inclusive, and insert "upon such terms and conditions as it deems proper, is authorized to lease to the City of Benicia such portions of the property and building as the division deems necessary for use by the City of Benicia as a city hall for the conduct of official city, civic, and charitable business."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 645—An act authorizing suit against the State of California to quiet title to certain real property, and regulating the procedure therein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 628—An act to amend Section 737nn of the Political Code, relating to the compensation of the judge of the Superior Court in and for the County of San Luis Obispo.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 5, of the printed bill, before the word "dollars", insert the words "ten thousand".

Amendment No. 2

On page 1, line 6, of the printed bill, after the dollar sign, insert the figures "10,000."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 1568—An act to amend Section 16305 of the Government Code, relating to money held in trust by the State Treasurer as provided in Section 29 of Article IV of the Constitution of California, and to provide a support appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

Strike out line 1 of the title of the printed bill, as amended in Senate April 20, 1949, and insert

"An act to amend Section 16305 of, and to add Sections 16305.1, 16305.2, 16305.3, 16305.4, 16305.5, 16305.6, 16305.7, and 16305.8 to the Government Code, relat-".

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 16305 of the Government Code is amended to read:

16305. The purpose of this legislation is hereby declared to be the establishment of a centralized State Treasury System under which state moneys will be adequately protected, and at the same time will be controlled and invested in such a way as to realize the maximum return consistent with safe and prudent treasury management. This legislation visualizes that the State Controller will be responsible for maintaining the segregated accounts of the moneys of state agencies which are deposited with the Treasurer in trust, and that the State Treasurer will not maintain records which in their detail duplicate the accounting records maintained by the Controller for these moneys.

SEC. 2. Section 16305.1 is added to said code, to read:

16305.1. It is anticipated that as a result of this legislation state agencies will no longer need to maintain large sums of money in agency bank accounts, and that future agency bank accounts permitted by the Director of Finance will contain only amounts of money necessary for day-to-day petty cash needs.

SEC. 3. Section 16305.2 is added to said code, to read:

16305.2. All money in the possession of or collected by any state agency or department is subject to the provisions of Sections 16305.3 to 16305.7, inclusive, and is hereafter referred to as state money.

SEC. 4. Section 16305.3 is added to said code, to read:

16305.3. All state money shall be deposited in trust in the custody of the Treasurer, except when otherwise authorized by the Director of Finance, or unless deposited directly in the State Treasury. All state money deposited in trust in the custody of the Treasurer shall be held in a trust account or accounts and may be withdrawn only upon the order of the depositing agency or its disbursing officer. The provisions of Sections 16305.3 to 16305.7, inclusive, shall not be construed to repeal or amend any provision of law now requiring officers or employees to make daily, weekly or monthly settlements with the Treasurer. All such money held by the State Treasurer in trust shall be subject to audit by the Department of Finance and shall also be subject to cash count, as provided in Sections 13297, 13298, and 13299 of this code.

SEC. 5. Section 16305.4 is added to said code, to read:

16305.4. The Director of Finance shall establish any system which may be necessary or convenient in the handling of trust accounts of the state agencies and in establishing the system to be followed in receiving, holding and disbursing such money. The system established by the Director of Finance shall in general provide that the Controller is responsible for maintaining accounts to record the Treasurer's accountability, and shall maintain the separate account for each trust deposit.

SEC. 6. Section 16305.5 is added to said code, to read:

16305.5. Money in Treasury trust accounts may be deposited by the State Treasurer in banks, as provided in Chapter 4 of Part 2 of Division 4 of Title 2 of this code, to the same extent as if the money in trust accounts were money in the State

Treasury, or it may be invested and reinvested by the State Treasurer in bonds or other obligations of the United States or for which the full faith and credit of the United States are pledged, having maturity dates of not more than one year from the date of such investment, or redeemable by the United States Treasury at the owner's option at fixed redemption value within one year from the date of such investment.

SEC. 7. Section 16305.6 is added to said code, to read:

16305.6. The Treasurer, Controller and Director of Finance shall, at such times as they deem necessary, determine whether any portion of the money in the custody of the Treasurer is not necessary for immediate use, and if so they shall determine the excess amount, which shall thereupon be designated as money available for investment. The Treasurer, Controller and Director of Finance shall, at such times as they deem necessary, determine whether any portion of the money previously designated as available for investment, or already invested, is needed for the purpose of carrying out the provisions of Sections 16305.3 to 16305.7, inclusive. Thereupon they shall reduce the amount of money declared available for investment, or money already invested, by the amount determined to be needed, and the Treasurer is authorized to realize this amount.

SEC. 8. Section 16305.7 is added to said code, to read:

16305.7. Any increment collected as the result of investment of state money shall be collected by the State Treasurer and reported by him to the State Controller for credit to the General Fund in the State Treasury.

SEC. 9. Section 16305.8 is added to said code, to read:

16305.8. Nothing in Sections 16305.3 to 16305.7, inclusive, shall apply to money drawn or collected by the Regents of the University of California.

SEC. 10. The provisions of this act shall become effective 90 days after adjournment of the 1949 Regular Session of the Legislature. However, so as to provide sufficient time for application of proper administrative procedures, they shall become totally operative at the discretion of the State Treasurer, and State Controller, and the Director of Finance, on or before July 1, 1950.

SEC. 11. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of eighty thousand dollars (\$80,000), or so much thereof as may be necessary to be expended during the 1949-50 Fiscal Year, of which amount fifty thousand dollars (\$50,000) shall be available for expenditure by the State Controller for the purpose of administration of his duties under this section; and the sum of thirty thousand dollars (\$30,000) shall be available for expenditure by the State Treasurer for the purpose of administration of his duties under the provisions of this section."

Amendment No. 3

On page 1 of said bill, strike out lines 2 to 27, inclusive, and on page 2, strike out lines 1 to 35, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 396—An act to amend Section 5410 and to add Sections 5406, 5407, 5408, 5409, and 5427.1 to the Health and Safety Code, relating to water contamination and public health.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 1 of the title of the printed bill, after "Sections", insert "5404, 5405,".

Amendment No. 2

On page 1, line 3, of said bill, strike out "Sec."

Amendment No. 3

On page 1, line 12, of said bill, strike out "the", and insert "other".

Amendment No. 4

On page 1 of said bill, strike out lines 13 to 16, inclusive, and insert "wastes.

SEC. 2. Section 5404 is added to said code, to read:

5404. There is in the State Department of Public Health a Water Pollution Policy and Appeal Board, hereinafter referred to as the Policy and Appeal Board,

composed of the Director of Public Health, the Director of Public Works, the Director of Natural Resources, the Director of Agriculture, and three persons appointed by the Governor to represent, respectively, city and county government and industry.

The appointive members of the Policy and Appeal Board shall be appointed for a term of three years and they shall hold office until the appointment and qualification of their successors, except that the members first to be appointed shall hold office one for one year, one for two years, and one for three years as designated by the Governor. Vacancies occurring shall be filled by appointment for the unexpired term.

The members of the Policy and Appeal Board shall serve without compensation but shall be allowed the actual expenses incurred in the discharge of their duties, including travel expenses.

SEC. 3. Section 5405 is added to said code, to read:

5405. (a) The Policy and Appeal Board may after public hearing, formulate, and from time to time supplement or amend, a state-wide policy for control of water pollution.

(b) The Policy and Appeal Board may, upon request of any state or local agency, or on its own initiative, hold hearings to determine the necessity for provision for disposal of sewage in order to prevent pollution of water.

(c) The Policy and Appeal Board shall, upon application by any state or local agency or any interested party, review and affirm, modify or reverse any action taken by the state department pursuant to this article on any application for permit to discharge or dispose of sewage, or any order relating thereto.

(d) An application for review pursuant to subdivision (c) of this section may be initiated by any interested party by filing with the Policy and Appeal Board an application in writing, setting forth the interest of the applicant in the matter and the grounds on which the application is based.

The Policy and Appeal Board upon receipt of an application for review shall schedule the matter for hearing and shall notify all interested parties of the date and place at which they will consider the application. Any interested party, or his duly authorized agent, or both, shall be afforded an opportunity to present statements, arguments, or contentions in writing with opportunity to present the same orally. The Policy and Appeal Board shall consider all relevant matters presented to it, including any new or additional evidence and evidence of a change of facts or circumstances arising since the original determination by the state department, before affirming, modifying or reversing the action of the state department, and shall promptly notify the parties to the proceedings of its findings and decision.

SEC. 4. Section 5406 is added to said code, to read: "

Amendment No. 5

On page 1, line 17, of said bill, strike out "Sec."

Amendment No. 6

On page 2 of said bill, between lines 9 and 10, insert "In carrying out the foregoing policies, the state department shall accomplish the objectives thereof by utilizing to the maximum practicable extent any applicable jurisdiction and powers of counties, cities and districts."

Amendment No. 7

On page 2, line 10, of said bill, strike out "SEC. 3", and insert "SEC. 5".

Amendment No. 8

On page 2, line 11, of said bill, strike out "Sec."

Amendment No. 9

On page 2, line 14, of said bill, strike out "SEC. 4", and insert "SEC. 6".

Amendment No. 10

On page 2, line 15, of said bill, strike out "Sec."

Amendment No. 11

On page 2, line 18, of said bill, strike out "SEC. 5", and insert "SEC. 7".

Amendment No. 12

On page 2, line 19, strike out "Sec."

Amendment No. 13

On page 2, line 22, of said bill, strike out "SEC. 6", and insert "SEC. 8".

Amendment No. 14

On page 2, line 24, of said bill, strike out "Sec."

Amendment No. 15

On page 2 of said bill, strike out lines 27 to 35, inclusive, and insert "ernment, and to refer to the Department of Public Works for findings thereon all matters relating to use of water for agricultural purposes and concerning hydrology and chemical composition of surface and underground waters, and to refer, for findings thereon, to the Department of Natural Resources all matters of protection and propagation of fish and wildlife and recreational use of fresh and salt waters, to the end that the actions of the state department shall reflect the policy of the State in the field of waste disposal as set forth in this article."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

Senate Bill No. 1424—An act to add Article 9 to Chapter 2, Part 1, Division 1, of the Health and Safety Code, relating to cancer and other chronic diseases, providing for a chronic disease program and establishing the Advisory Chronic Disease Council.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1, line 19, of the printed bill, strike out the word "and".

Amendment No. 2

On page 1, line 20, of said bill, immediately following the word "Association", insert "and the President of the California Osteopathic Association".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 1006—An act to add Section 26386 to the Health and Safety Code, relating to the California Pure Drugs Act and its administration.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1 of the printed bill, strike out line 3, and insert "26386. Except in those establishments licensed by any board or department of the State of California, not including itinerant vendors, neither the holding of a hearing as provided for".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 697—An act to add Chapter 2.5 and Section 4250 to Division 5, Part 2 of the Health and Safety Code, relating to contracts for the collection and disposal of garbage and other refuse matter.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 497—An act to add Sections 749.1 and 751.1 to the Code of Civil Procedure, relating to the determination of conflicting claims to real property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 99—An act to add Article 5 to Chapter 2, Title 1, Part 3 of Division 1 of the Civil Code, relating to the recognition of a divorce obtained in another jurisdiction.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 93—An act to add Section 273 to the Penal Code, relating to participation of minors in equestrian events.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "dangerous".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 423—An act to add an article heading for Article 1 and to add Article 2 comprising Section 956 to Chapter 1 of Title 2 of Part 3 of Division 2 of the Civil Code; and to amend Sections 376 and 377 of the Code of Civil Procedure; and to amend Sections 573 and 707 of the Probate Code; and to amend Section 402 of the Vehicle Code; and to amend Section 11580 of the Insurance Code; all relating to actions for personal injury and actions for wrongful death generally, and the survival of such actions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 5 of the title of the printed bill, after "573", insert ", 574,".

Amendment No. 2

On page 2 of said bill, between lines 49 and 50, insert

"In every action under this section, such damages may be given as under all of the circumstances of the case may be just, provided that in any action maintained after the death of the child or ward, damages recoverable hereunder shall not include damages for pain, suffering or disfigurement nor punitive or exemplary damages nor compensation for loss of prospective profits or earnings after the date of death."

Amendment No. 3

On page 3 of said bill, between lines 48 and 49, insert

"Sec. 5.5. Section 574 of the Probate Code is hereby amended to read:

574. Executors and administrators may maintain an action against any person who has wasted, destroyed, taken, or carried away, or converted to his own use, the property of their testator or intestate, in his lifetime, or committed any trespass on the real property of the decedent in his lifetime; and any person, or the personal representative of any person, may maintain an action against the executor or administrator of any testator or intestate who in his lifetime has wasted, destroyed, taken, or carried away, or converted to his own use, the property of any person or committed any trespass on the real property of such person. *This section shall not apply to an action founded upon a wrong resulting in physical injury or death of any person.*"

Amendment No. 4

On page 5, line 26, of said bill, after the word "section", insert ". provided, that in any action for physical injury contemplated by this section by the executor, administrator or personal representative of any deceased person, the damages recoverable shall be the same as those recoverable under Section 956 of the Civil Code".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 493—An act to add Section 48.5 to the Civil Code, relating to defamation by radio.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "unless", and insert "if".

Amendment No. 2

On page 1 of said bill, strike out line 10, and insert "alleged and proved by such owner, licensee or operator, or agent or employee thereof, that such".

Amendment No. 3

On line 12 of said bill, strike out "failed to exercise", and insert "exercised".

Amendment No. 4

On page 1, line 26, of said bill, after "uttered," insert "by one other than such owner, licensee or operator, or agent or employee thereof,".

Amendment No. 5

On line 28 of said bill, strike out the period, and insert "and which statement or matter said station or network is required to broadcast by the Federal Communications Commission."

Amendment No. 6

On page 1 of said bill, after line 31, insert

"(5) Nothing in this section contained shall deprive any such owner, licensee or operator, or the agent or employee thereof, of any rights under any other section of this Part 2."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 271—An act to amend Sections 735.3, 736.1-1, and 736.3 of, and to add Section 735.10 to, the Agricultural Code, relating to fluid milk and fluid cream.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 997—An act to add Section 7325 to the Business and Professions Code, relating to cosmetology.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 3, of the printed bill, after "7325.", insert "Except as provided in Sections 7322, 7323, and 7324,".

Amendment No. 2

On page 1, line 5, of said bill, after "board", insert "and in an establishment other than one licensed by the board".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 346—An act to add Section 5003.1 to the Public Resources Code, relating to maintenance and operation of establishments or facilities for the sale of merchandise or services to the public.

Bill read second time, and ordered to third reading.

Assembly Bill No. 129—An act to add Article 4, comprising Sections 9220 to 9223, inclusive, to Chapter 2, Part 1, Division 2, Title 2 of the Government Code, relating to the powers and duties of the Speaker of the Assembly.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1856—An act to amend Section 4001 of the Government Code, relating to public work.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 4, of the printed bill, after "Architect", insert ", or a deputy or other person authorized by any such officer,".

Amendment No. 2

On page 1, line 11, of said bill, after "State", insert a period and strike out the balance of line 11 and all of line 12.

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 347—An act authorizing the State Lands Commission to exchange property of the State of California for property of Marin County.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1854—An act to amend Section 14033 of the Government Code, relating to the revolving fund of the Division of Architecture.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1950—An act relating to the State Allocation Board and providing for the allocation by said board of public funds appropriated for allocation to local agencies for public works projects and incidental expenses, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2018—An act to add Article 5, comprising Sections 16400 to 16405, inclusive, to Chapter 2, Part 2, Division 4, Title 2 of the Government Code, and to repeal Section 13923 of the Government Code, relating to revolving funds and advances.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1472—An act to amend Section 22 of the Bank and Corporation Franchise Tax Act, relating to the appointment of the Franchise Tax Commissioner.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

Strike out the title of the printed bill, and insert

"An act to create the Franchise Tax Board, prescribing its powers, duties, jurisdictions, purposes, and functions and abolishing the office of Franchise Tax Commissioner."

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 23, inclusive, and insert

"SECTION 1. There is hereby established in the State Government a Franchise Tax Board consisting of the Director of Finance, the State Controller, and the chairman of the State Board of Equalization. The board shall succeed to, and is hereby vested with, all of the duties, powers, purposes, responsibilities, and jurisdiction of the Franchise Tax Commissioner, which office is hereby abolished: provided, however, that the statutes and laws under which such office existed and all laws prescribing the duties, powers, purposes, responsibilities and jurisdiction of such office, together with all lawful rules and regulations established thereunder, are hereby expressly continued in force. The term "Franchise Tax Commissioner" when used in any statute, law, rule or regulation now in force, or that may hereafter be enacted or adopted, shall be construed to mean and refer to the Franchise Tax Board the same as though the title of the Franchise Tax Board had been specifically set forth therein. No action now pending to which the Franchise Tax Commissioner is a party shall abate by reason hereof but shall continue in the name of the Franchise Tax Board, and the Franchise Tax Board shall be substituted for the Franchise Tax Commissioner by the court wherein the action is pending. The substitution shall not in any way affect the rights of the parties to the action.

SEC. 2. The Franchise Tax Board, by unanimous consent, may appoint an executive officer who shall serve at the pleasure of the board and shall perform such duties as are delegated to him by the board. The executive officer may be removed only by unanimous consent of the board. The annual salary of the executive officer shall be twelve thousand dollars (\$12,000). The board shall employ, in addition to existing employees of the Franchise Tax Commissioner, such other assistants and clerical and

other employees as it deems necessary for the effective conduct of its work, and shall fix their compensation in accordance with law.

SEC. 3. Any power granted to, or duty imposed on, the Franchise Tax Board by any provision of law may be exercised or performed by any officer or employee of the board authorized by the board unless it is expressly provided that the power or duty shall be exercised or performed only by the board."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 1713—An act to add Section 55.65 to and to amend Sections 40 and 55.6 of the Alcoholic Beverage Control Act, relating to the sale of wine, requiring the posting of prices and the making and filing of fair trade contracts in relation thereto, and governing the giving of discounts in connection with the sale of wine.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 9, line 3, of the printed bill, as amended in the Assembly on March 29, 1949, strike out "under this rule", and insert "within the meaning of this paragraph (k)".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 1287—An act to amend Sections 2135 and 2287 and to repeal Sections 2230 and 2231 of, and to add Sections 2191.6 and 2232 to, the Business and Professions Code, relating to drugless practitioners and relating to applications to the Board of Medical Examiners of the State of California for physician's and surgeon's certificate.

Bill read second time, and ordered to third reading.

Assembly Bill No. 3102—An act to amend the title of Chapter 5.5 of Division 3 of, and to amend Section 2426 of, the Health and Safety Code, relating to mosquito and gnat control, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 3098—An act to amend Section 30.2 of the Public Utility District Act, relating to public utility districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 429—An act to add Section 3370 to the Civil Code, relating to injunctive relief in connection with an act of unfair competition as defined in the Unfair Practices Act.

Bill read second time, and ordered to third reading.

Assembly Bill No. 430—An act to add Section 17087 to the Business and Professions Code, relating to power of Attorney General and

district attorneys, or any of them, to file injunction actions in enforcement of the Unfair Practices Act.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2710—An act to add Section 1239.5 to the Code of Civil Procedure, relating to eminent domain and the use of property acquired pursuant to eminent domain proceedings by the State and public agencies.

Bill read second time, and ordered to third reading.

Assembly Bill No. 992—An act to amend Section 1558 of the Probate Code, relating to distribution of surplus income of insane or incompetent persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1394—An act to amend Sections 27320 and 27321 of the Government Code, relating to the recordation of instruments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 600—An act to amend Sections 35 and 515.1; to repeal Sections 35.5 and 620.5 of ; and to add Sections 620.5 and 670.1 to the Vehicle Code, relating to speed limit applicable to and equipment required on motor-driven cycles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1717—An act to add Sections 16346, 16347, 16348, and 16349 to Article 1 of Chapter 2 of Part 2 of Division 4 of Title 2, and to amend Section 16350, of the Government Code, relating to the abolition of special funds in the State Treasury.

Bill read second time, and ordered to third reading.

Assembly Bill No. 608—An act to amend Sections 271.2, 304, 307, 311, and 332 of the Vehicle Code, relating to the licensing of drivers of motor vehicles.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS REQUEST FOR UNANIMOUS CONSENT

Senator Coombs asked for, and was granted, unanimous consent to have Senate Bill No. 1312 passed on file and retain its place on file until the next legislative day.

Senate Bill No. 1131—An act to amend Sections 26472, 26541, 26542, and 26586 of the Health and Safety Code, and to add Sections 26606 and 26625 to said code, relating to the California Pure Food Act and its administration.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Johnson, Kraft, Miller, O'Gara, Powers, Swing, Tenney, Ward, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 742—An act to amend Section 423 of, and to add Section 458.1 to, the Fish and Game Code, relating to transportation of fish and game.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Johnson, Kraft, Miller, O'Gara, Parkman, Powers, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1427—An act to amend Sections 3896 and 3897 of, and to repeal Article 13, comprising Sections 3741 to 3750, inclusive, of Chapter 11 of Division 2 of, the Education Code, relating to the organization of high school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Drobish, Gibson, Johnson, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Swing, Tenney, Ward, Watson, and Williams—24.

NOES—None.

Motion to Reconsider

Senator Hatfield moved to reconsider the vote whereby Senate Bill No. 1427 was passed.

The roll was called, and Senate Bill No. 1427 reconsidered by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Drobish, Gibson, Hatfield, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Swing, Tenney, Ward, and Watson—24.

NOES—None.

FURTHER CONSIDERATION OF SENATE BILL NO. 1427

Senate Bill No. 1427—An act to amend Sections 3896 and 3897 of, and to repeal Article 13, comprising Sections 3741 to 3750, inclusive, of Chapter 11 of Division 2 of, the Education Code, relating to the organization of high school districts.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, after "of," insert "and to add Section 3899 to,".

Amendment No. 2

In line 4 of the title of said bill, strike out the period, and insert ", declaring the urgency thereof, to take effect immediately."

Amendment No. 3

On page 2 of said bill, after line 29, insert

"SEC. 4. Section 3899 is added to said code, to read:

3899. Whenever any joint elementary school district came into existence prior to the passage of Chapter 311 of the Statutes of 1909 and its boundaries have been treated as being partially in one county and partially in another county, and each county and the respective high school districts thereof have only assessed the territory within the respective counties and high school districts for the purpose of school taxes, the district shall hold an election in a manner similar to elections provided for by Section 3896. If a high school district, which has included a portion of the joint elementary school district lying within the high school district boundaries, holds a bond election at which election bonds are voted as required by law, such bonds shall not be a lien upon the territory included if the joint elementary school district election determines that the joint elementary school district shall be wholly included within the territory of the other high school district; even though such election is held after the bond election, if such election is held within sixty days after the effective date of this section.

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain elementary school districts have existed for many years partially in one county and partially in another. The status of these districts in relation to adjoining county high school districts is uncertain. The need for additional high school facilities demands that bonds be issued and new facilities erected by the high school districts at the earliest possible opportunity. In order to determine the validity of such bonds and to settle all questions as to the liability of the elementary school districts for the bonds, it is necessary that the boundaries of such districts be determined as speedily as possible and it is therefore necessary that this act take immediate effect."

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 801—An act to amend Sections 8706, 8710, 8712, 8714, 8741, 8761, 8762, 8764, and 8784 of the Business and Professions Code, relating to the practice of land surveying.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Swing, Tenney, Ward, and Watson—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 804—An act to add Section 105 to, and to repeal Sections 2103, 2705, 4003, 5517, 6713, 7004, and 7304 of the Business and Professions Code, relating to certificates of appointment and oaths of office of members of boards within the Department of Professional and Vocational Standards.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Johnson, Keating, Kraft, McBride, O'Gara, Powers, Regan, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 2.06 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Senate Bill No. 808—An act to amend Section 9011 of the Business and Professions Code, relating to the Board of Social Work Examiners.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 812—An act to amend Sections 2701 and 2736.5, and to repeal Sections 2727.5, 2735, 2825, and 2826 of the Business and Professions Code, relating to the practice of nursing the sick and afflicted.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Judah, Keating, McBride, Miller, O'Gara, Parkman, Powers, Regan, Swing, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 814—An act to amend Sections 7514, 7522, 7526, 7527, 7531, 7538, 7547, 7551, 7565, and 7582 of, and to add Sections 7529.5, 7529.6, 7540, 7541, 7542, 7543, and 7549 to, the Business and Professions Code, relating to private detectives.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Cunningham, Drobish, Gibson, Hatfield, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Swing, Tenney, Ward, and Watson—23.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILLS NOS. 129, 430, AND 3102

Senator Rich moved that Assembly Bills Nos. 129, 430, and 3102 be re-referred to the Committee on Finance.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 815—An act to amend Section 403 of the Business and Professions Code, relating to buildings of the Department of Professional and Vocational Standards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Swing, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 816—An act to amend Section 2554 of the Business and Professions Code, relating to funds of the Board of Medical Examiners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dorsey, Drobish, Gibson, Hatfield, Johnson, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, and Swing—26.

NOES—Senator Drobish—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 817—An act to amend Section 2193 of the Business and Professions Code, relating to applicants for a physician's and surgeon's certificate.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Ward, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 4—Relative to establishing a nine county area to be known as the San Francisco Bay Area.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Dorsey,

Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Ward, Watson, and Williams—31.

NOES—Senators Donnelly, Jespersen, and Sutton—3.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 48—Relative to approving amendments to the charter of the City of Vallejo, a municipal corporation in the County of Solano, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the fifth day of April, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Swing, Ward, Watson, and Williams—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Judah moved that Senate Constitutional Amendment No. 2 be taken from the inactive file and placed on the third reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Gibson moved that Senate Bill No. 1413 be taken from the inactive file for the purpose of amendment, and placed on the second reading file.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1413—An act authorizing suits against the State to quiet title against it to swamp or overflowed lands by certain persons entitled to the benefits of Section 7523 of the Public Resources Code.

Bill read second time.

Motion to Amend

Senator Gibson moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill, as amended in Senate April 6, 1949, strike out line 4, and insert "made upon the chairman of the State Lands Commission and Attorney General and it shall be the duty of the Attorney General to represent the State in such suit."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to second reading.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1617—An act to add Section 42.1 to an act entitled "Drainage District Act of 1903," relating to drainage districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Ward, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Kraft asked for, and was granted, unanimous consent to have the following statement regarding Assembly Bill No. 1687 printed in the Journal:

Statement by Senator Kraft Regarding Assembly Bill No. 1687

It has come to my attention that my handling of Assembly Bill 1687 has been unfavorably commented on, because of the delay in the enactment of this measure.

I should like to point out that I was requested by several of my colleagues to suspend action on this bill because they believed it required amendment and because they would not vote for it in the form in which it reached the Senate floor. I am convinced that the bill would not have received the approval of the Senate had I not held it on file, pending the drafting of the amendments requested by my colleagues.

I took this action because I believe this legislation to be important and because I was anxious to do everything possible to secure Senate approval.

SENATOR KRAFT

REQUEST FOR UNANIMOUS CONSENT

Senator Desmond asked for, and was granted, unanimous consent to have the following statement concerning Assembly Bill No. 1687 printed in the Journal:

Statement Concerning Assembly Bill No. 1687

As Assembly Bill 1687 was reported out of the Public Health and Safety Committee it was not acceptable to many Members of the Senate, who felt that the bill in such form failed to cover the situation upon which the bill was designed to correct, and presented numerous legal difficulties that would make the law difficult to enforce.

For these reasons many of us felt that the bill should be amended and amendments were not prepared and adopted until April 26th. We feel that this bill was not unduly delayed by any action of the Senate or of Senator Kraft, and that as finally presented to the Senate the bill is in much better language than when it came out of committee, and that the delay in amendments was in the interest of good legislation.

SENATOR DESMOND
SENATOR HATFIELD
SENATOR HULSE
SENATOR WARD
SENATOR REGAN

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1687—An act to amend Section 24400 of the Health and Safety Code, relating to abandoned excavations.

Bill read third time, and presented by Senator Kraft.

Motion to Set Special Order

Senator Kraft moved that Assembly Bill No. 1687 be made a special order of business for Thursday, April 28, 1949, at 3 p.m.

Motion carried.

Point of Order

Senator Keating rose to a point of order that there is nothing before the Senate as Assembly Bill No. 1687 has been set for Special Order of Business for tomorrow.

The President ruled the point of order well taken.

REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to have the following Opinions by the Legislative Counsel regarding the constitutionality of Senate Bills Nos. 280 and 515 printed in the Journal :

Opinion of Legislative Counsel

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, April 20, 1949

Hon. Jack B. Tenney
Senate Chamber

Constitutionality of Senate Bill 280, as Amended April 14, 1949—No. 5769

DEAR SENATOR TENNEY: Senate Bill 280 adds to the Government Code provision for an affidavit to be sworn to by state and political subdivision employees. It provides that compensation shall not be paid these employees if they fail to file an affidavit within ninety days of the effective date of this act.

The affidavit will state whether or not the employee advocates or is a member of an organization which advocates the overthrow of the United States or State Governments by unlawful means, or advocates the support of a foreign government in event of hostilities with the United States.

This act as amended would seem constitutional.

The government of the State in hiring a person due to the varied circumstances of that employment has the power to restrict some of the employee's personal liberties. If the employee does not wish to have these liberties suspended, he may refuse service in the government. Mr. Justice Holmes in *McAuliffe v. Mayor, etc., of City of New Bedford*, 155 Mass. 216, stated:

"The petitioner may have a constitutional right to talk politics, but he has no constitutional right to be a policeman. *There are few employments for hire in which the servant does not agree to suspend his constitutional rights of free speech as well as of idleness by the implied terms of his contract.*" (Italics ours.)

In *United States v. Bryan* (72 Fed. Sub. 58, 63), in speaking of the power of Congress over the employees of the government, the court stated:

"The first amendment does not, for example, preclude Congress from excluding obscene matter from the mails * * * it does not preclude the Congress from punishing persons who advocate the overthrow of government by force. It does not bar the Congress from limiting certain activities of government employees although similar activities are within the rights of all other citizens."

It seems clear that as the Legislature and the government, to protect itself from harboring persons who are a danger to the government, would have the right to investigate in order to ferret out such persons.

In *Barsky v. the United States* (167 Fed. 2d 241, page 246), the court stated:

"This existing machinery of government has the power to inquire into potential threats to itself, not alone for the selfish reason of self-protection, but for the basic reason that having been established by the people as an instrumentality for the protection of the rights of the people it has an obligation to its creators to preserve itself. * * * We think that inquiry into threats to the existing form of government by extra-Constitutional processes of change is a power of Congress under its prime obligation to protect for the people that machinery of which it is part. * * *"

In *United States v. Marzani* (71 Fed. Sub. 615, 620), "one of the authorized functions of governmental departments and agencies, particularly in time of war, is to see that their employees are loyal toward the democratic form of government *and to no other.*" (Italics ours)

In *Steiner v. Darby*, 88 A. C. A. 487, 496, the court stated, in connection with a loyalty affidavit analogous to the affidavit required in this bill, and which they held constitutional:

"The plaintiffs, as public servants, have the implied duty to support the form of government lawfully chosen by the people whom they are employed to represent, and that they impliedly agreed, when they accepted public employment, to act as representatives of the people and not to advocate destruction of the government by force or violence. By accepting public employment they forego any privilege they may have had as private citizens to advocate the overthrow of the government by force and violence. It is inconceivable that they should be permitted to represent the people, be supported by the people, and at the same time have the privilege of advocating the overthrow of the very government by which they are employed and obtain their livelihood. If they cannot subscribe to the prescribed affidavit they may join those who serve themselves in the ranks of private employment."

In the light of the last cited cases, it appears clear that the Legislature has the power to adopt methods of inquiry into whether or not the employees not only advocate violent overthrow of the government but also into whether or not such employees are pledged to support other governments in event of hostilities with the United States.

The basic rules of master and servant hold that there is an implied covenant in every contract of employment that an employee will act with reasonable loyalty toward his employer, and it can hardly be said that an employee who is awaiting an occasion to destroy his employer's business has not violated this implied covenant. (*Pauell v. Unemployment Compensation Board of Review*, Pa., 22 Atl. 2d 42.)

Therefore, in summary, it would seem that the Legislature clearly has the right to provide for dismissal from public employment of any person who is advocating or is a member of an organization which advocates the overthrow of the government by unlawful means, and has the right to investigate to determine whether any public employees so advocate or belong to such organizations.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By HARRY J. ENGLEBRIGHT, Deputy

Copies to authors of SB 280
pursuant to Joint Rule 34

Opinion of Legislative Counsel

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, April 21, 1949

Hon. Jack B. Tenney
Senate Chamber

Constitutionality of Senate Bill 515, as Amended April 14, 1949—No. 5769

DEAR SENATOR TENNEY: You have asked our opinion as to the constitutionality of Senate Bill 515, as amended April 14, 1949, which declares that nothing in a certain chapter of the Labor Code prohibits an employer who is engaged as a contractor or subcontractor in production, for the United States, of goods, for use in connection with national defense, to discharge an employee who advocates or is a member, secretly or openly, of any organization which advocates the support of a foreign government against the United States in event of hostilities, or advocates or has as his or its objective the overthrow of the Government of the United States or of this State by force and violence or any other unlawful means.

It is our opinion that this bill, as amended, is constitutional.

Basically, in absence of statute or contracts to the contrary, an employer enjoys an absolute power of dismissing his employees without cause. (35 Am. Jur. 462.)

It is the general rule settled in many decisions upholding statutes describing regulations of all kinds pertaining to employment contracts, that the right of contract between employer and employee is a legitimate subject for the exercise of the police power of the State, when the public safety, health, peace, morals, or general welfare demands it. (11 Am. Jur. 1171.)

The Legislature has acted under this power in enacting Section 1101 of the Labor Code. This section affects the basic power of an employer by prohibiting him to forbid or prevent employees from engaging or participating in politics, and prohibits his attempting to control or direct the political activities of his employees.

Senate Bill 515 would except from this section employers engaged in government defense work for the limited purpose of determining whether an employee advocates or belongs to an organization advocating the overthrow of the government by unlawful means and if he so determines, to discharge him.

Section 1101 of the Labor Code was held constitutional in the case of *Lockheed Aircraft Corp. v. Superior Court of Los Angeles*, 28 Cal. 2d 481, but the court stated in its opinion:

"Whether the statute [1101, Lab. C.] is read alone, or in conjunction with the quoted definitions, there is no intimation or implication of any intent to protect any individual or group advocating the overthrow of the government by force or violence * * * *We find nothing in the section which is intended to prevent an employer engaged in producing vital war materials from discharging an employee who advocates the overthrow of our government by force or whose loyalty to the United States has not been established to the satisfaction of the employer.*" (Italics ours.)

It would seem clear that this is a valid exercise of the police power as the persons affected by this bill have been held to constitute a clear threat to the existing form of Government of the United States and of this State. The California Supreme Court stated in the case of *Communist Party v. Peek* 20 Cal. 2d 536, 551:

"Such groups [those political parties advocating the overthrow of the government by unlawful means or those parties carrying on a program of sabotage, force, and violence, sedition or treason] constitute an immediate threat to the functioning of our institutions, including the continued exercise of the right of suffrage. * * * it is within the power of the state as to such groups to restrict even the rights of free speech and free press * * *" (citing cases) (italics ours).

In light of the above case, it would seem clear that this bill is constitutional and if enacted, the Legislature would be validly exercising the police power of the State to protect the general welfare of the people.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By HARRY J. ENGLEBRIGHT, Deputy

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF ASSEMBLY BILLS (RESUMED) REQUEST FOR UNANIMOUS CONSENT

Senator McBride asked for, and was granted, unanimous consent to have Assembly Bill No. 1358 passed on file and retain its place on file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Keating asked for, and was granted, unanimous consent to have Assembly Bills Nos. 1098, 1101, 1102, 1103, 1104, and 1111 passed on file and retain their place on file until the next legislative day.

Assembly Bill No. 243—An act to amend Sections 31452 and 31595 of, and to add Sections 31601, 31602, 31603, 31604, 31605, 31606, and 31607 to, the Government Code, relating to county employees retirement systems, authorizing the investment of the funds of such systems, and prescribing the limitations upon such investments, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Tenney, Ward, Watson, and Williams—25.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1470—An act to amend Sections 1672 and 1673 of the Insurance Code, relating to the licensing of nonresident brokers or agents.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Salsman, Sutton, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1319—An act to amend Sections 3.06 and 5.02 of the Building and Loan Association Act, relating to shares and investment certificates as legal investments.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Cunningham, Desmond, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2295—An act to amend Section 974 of the Municipal Utility District Act, relating to municipal utility districts, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Desmond.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, and Williams—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Assembly Bill No. 214—An act to amend Section 741 of the Fish and Game Code, relating to sardines.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 871—An act to amend Section 1011 of the Fish and Game Code, relating to licenses, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Hatfield.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 872—An act to add Section 492.5 to the Fish and Game Code, relating to fish.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 874—An act to amend Section 783 of the Fish and Game Code, relating to lobsters.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 876—An act to amend Section 1011.5 of the Fish and Game Code, relating to sharks.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 881—An act to amend Section 1010 of the Fish and Game Code, relating to licenses, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Hatfield.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Tenney, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Assembly Bill No. 882—An act to amend Sections 990 and 990.1 of the Fish and Game Code, relating to commercial fishing licenses.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Mayo, McBride, Miller, Powers, Regan, Salsman, Tenney, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1352—An act to add Section 1752.8 to the Welfare and Institutions Code, relating to the custody, deposit, and investment of funds in the possession of the Director of the Youth Authority and belonging to persons committed to the Youth Authority and to the disposition of the increment thereof.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson,

Hulse, Johnson, Keating, Mayo, McBride, Miller, O'Gara, Powers, Regan, Salsman, Sutton, Tenney, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1354—An act to amend Sections 1731.5 and 1732 of the Welfare and Institutions Code, relating to commitments to the Youth Authority.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1355—An act to amend Section 604 of the Welfare and Institutions Code, relating to probation committees.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1356—An act to add Section 1767.7 to the Welfare and Institutions Code, relating to the care of paroled persons under the jurisdiction of the Youth Authority.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Salsman, Sutton, Tenney, Ward, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 185—An act to amend Section 5801 of the Labor Code, relating to attorney's fees under the Workmen's Compensation Act.

Bill read third time, and presented by Senator O'Gara.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Tenney, Ward, Watson and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 773—An act to amend Sections 52 and 53 of the Labor Code, relating to the Department of Industrial Relations.

Bill read third time, and presented by Senator O'Gara.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2651—An act to amend Sections 18523, 18801, and 19052 of the Government Code and to add Sections 18523.5, 18802.5, and 19052.5 to said code, relating to classes and grades in the state civil service.

Bill read third time.

Motion to Amend

Senator Tenney moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 7, of the printed bill, as amended in the Senate on April 25, 1949, strike out "18803.5," and insert "18802.5."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2041—An act to amend Section 18932 of the Government Code, relating to age requirements for civil service examinations.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Mayo, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, and Williams—24.

NOES—Senator Miller—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2042—An act to amend Section 18938 of the Government Code, relating to state civil service examinations.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2044—An act to amend Section 19300 of the Government Code, relating to establishment of performance standards for state employees.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2046—An act to add Section 19143 to the Government Code, relating to counting of prior state service for layoff, sick leave and vacation purposes.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2048—An act to amend Section 19055 of the Government Code, relating to certification of state employment lists.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, Parkman, Powers, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—26.

NOES—Senators Miller and O'Gara—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2049—An act to amend Section 19058 of the Government Code, relating to temporary appointments in state service.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2050—An act to amend Section 18021 of the Government Code, relating to overtime work in state civil service.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Parkman, Powers, Sutton, Tenney, Ward, Watson, and Williams—25.

NOES—Senators Miller and O'Gara—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2051—An act to amend Section 18024 of the Government Code, relating to attendance and overtime work in state civil service.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Sutton, Tenney, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2052—An act to amend Section 19142 of the Government Code and to add Section 19369, relating to transfers of state employees.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Kraft, Mayo, McBride, Parkman, Powers, Sutton, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2053—An act to amend Sections 18101 and 18103 of the Government Code, relating to sick leave.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 616—An act to amend Sections 452, 459.2, and 476 of, and to add Sections 454.1, 469.1, and 474.1 to the Vehicle Code, relating to the regulations of traffic on highways.

Bill read third time.

Motion to Amend

Senator Collier moved the adoption of the following amendments:

Amendment No. 1

In the heading of the printed bill, as amended in Assembly March 21, 1949, strike out "Messrs. Luckel, Berry, Thomas, Grant, Condon, Fleury, Lindsay, and Tomlinson", and insert "Mr. Luckel".

Amendment No. 2

In line 1 of the title of said bill, strike out "459.2, and 476", and insert "and 459.2".

Amendment No. 3

In line 2 of the title of said bill, strike out "4, 469.1, and 474.1", and insert "and 469.1".

Amendment No. 4

On page 2 of said bill, strike out lines 18 to 52, inclusive, and strike out all of page 3.

Amendments read, and adopted.

Bill ordered printed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Kraft asked for, and was granted, unanimous consent to take up Assembly Bill No. 1687, at this time, for the purpose of amendment.

Assembly Bill No. 1687—An act to amend Section 24400 of the Health and Safety Code, relating to abandoned excavations, declaring the urgency of this act, to take effect immediately.

Motion to Amend

Senator Kraft moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended in Senate April 26, 1949, after "tank," insert "cesspool,".

Amendment No. 2

On page 1 of said bill, strike out line 8, and insert "persons legally on the premises, or to minors under the age of twelve years, who fails to".

Amendments read, and adopted.

Bill ordered printed, and returned to its status as Special Order of Business for Thursday, April 28, 1949 at 3 p.m.

REQUEST FOR UNANIMOUS CONSENT

Senator Salsman asked for, and was granted, unanimous consent to have Assembly Bill No. 1000 passed on file and retain its place on file until the next legislative day.

RESOLUTIONS

The following resolution was offered :

By Senator McBride :

Senate Resolution No. 89

WHEREAS, The year 1949 marks Metro Goldwyn Mayer's Silver Anniversary—25 years of continuous motion picture entertainment for the people of America and the rest of the world; and

WHEREAS, Metro Goldwyn Mayer have evidenced by their high standard of motion picture production a desire to help humanity by giving hours of recreative entertainment to those who are weary, by unlocking the doors of the great masterpieces of literature and music of the past and present so folks may laugh with the great laughers and think with the great thinkers, and thus be more understanding and better able to meet the tasks before them; now, therefore, be it

Resolved by the Senate of the State of California, That congratulations be extended to Metro Goldwyn Mayer on this their Silver Anniversary; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to Mr. Nicholas M. Schenck, Mr. Louis B. Mayer, Mr. W. F. Rogers and Mr. L. C. Wingham.

Resolution read, and unanimously adopted.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1387

Senator O'Gara moved that Senate Bill No. 1387 be withdrawn from Committee on Transportation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1387—An act to amend Section 257 of the Vehicle Code, relating to drivers licenses of minors.

Bill read second time.

Motion to Amend

Senator O'Gara moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out the period and insert "except that a junior operator's license may be issued to any person fourteen years of age, but less than sixteen years of age, who is a bona fide resident or employee of a farm or ranch, and further, this exception shall not apply to persons in any incorporated city of the State with a population in excess of fifteen thousand persons."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

President Pro Tempore of the Senate Presiding

At 4.45 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 213
Assembly Bill No. 223
Assembly Bill No. 360
Assembly Bill No. 366
Assembly Bill No. 369
Assembly Bill No. 428
Assembly Bill No. 910
Assembly Bill No. 911
Assembly Bill No. 912
Assembly Bill No. 983
Assembly Bill No. 1018

Assembly Bill No. 1565
Assembly Bill No. 1567
Assembly Bill No. 1593
Assembly Bill No. 1651
Assembly Bill No. 1873
Assembly Bill No. 1874
Assembly Bill No. 2122
Assembly Bill No. 2218
Assembly Bill No. 2632
Assembly Bill No. 2709
Assembly Bill No. 2968

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 213—An act to amend Section 1015 of the Fish and Game Code, relating to privilege taxes.

Referred to Committee on Fish and Game.

Assembly Bill No. 223—An act to amend Section 426 of the Education Code, relating to county school superintendents' salaries in counties of the twenty-sixth class.

Referred to Committee on Local Government.

Assembly Bill No. 360—An act amending Section 24005 of the Government Code, relating to vacations of county officers and employees.
Referred to Committee on Local Government.

Assembly Bill No. 366—An act to amend Section 24260 of the Government Code, relating to office hours of county officers.
Referred to Committee on Local Government.

Assembly Bill No. 369—An act to amend Section 31679 of the Government Code, relating to retirement allowances.
Referred to Committee on Governmental Efficiency.

Assembly Bill No. 428—An act to add Section 834 to the Corporations Code, relating to derivative actions by shareholders.
Referred to Committee on Judiciary.

Assembly Bill No. 910—An act to amend Section 224 of the Civil Code, relating to the adoption of children.
Referred to Committee on Judiciary.

Assembly Bill No. 911—An act to add Section 226b of the Civil Code, relating to adoption proceedings.
Referred to Committee on Judiciary.

Assembly Bill No. 912—An act to amend Section 226 of the Civil Code, relating to adoption of children.
Referred to Committee on Judiciary.

Assembly Bill No. 983—An act authorizing the Director of Finance, with the approval of the Director of the Department of Mental Hygiene, successor in interest of Norwalk State Hospital, to exchange certain lands with the Atchison, Topeka and Santa Fe Railway Company, a corporation, in the County of Los Angeles, State of California.
Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1018—An act to amend Section 762.5 of, and to add Section 768 to, the Agricultural Code, relating to the inspection of tomatoes delivered for canning and tomato inspection certificates.
Referred to Committee on Agriculture.

Assembly Bill No. 1565—An act to amend Section 360.5 of the Agricultural Code, relating to penalties for delinquencies in obtaining slaughterer's license.
Referred to Committee on Agriculture.

Assembly Bill No. 1567—An act to amend Sections 339.1, 339.3, and 339.4 of the Agricultural Code, relating to brand fees.
Referred to Committee on Agriculture.

Assembly Bill No. 1593—An act to amend Section 151 of the Unemployment Insurance Act, relating to unemployment compensation disability insurance.

Referred to Committee on Social Welfare.

Assembly Bill No. 1651—An act to repeal the act known as Chapter 807, Statutes of 1937, entitled "An act to regulate the distribution of moneys received from the United States Government under the provisions of the act of Congress of June 28, 1934, known as the Taylor Grazing Act and any act amendatory thereof."

Referred to Committee on Agriculture.

Assembly Bill No. 1873—An act to amend Section 8403 of, and to add Section 8402.1 to, the Water Code, relating to flood control.

Referred to Committee on Water Resources.

Assembly Bill No. 1874—An act to amend Sections 3454, 3457, 3476a, and 3479 of the Political Code, relating to reclamation districts.

Referred to Committee on Local Government.

Assembly Bill No. 2122—An act to amend Sections 3492, 3593, 3594, 3595, 3597, 3598, 3662, 3663, and 3665 of; to add Sections 3593.1, 3593.2, 3594.1, 3661.2, and 3661.3 to; and to repeal Sections 3599 and 3600 of, the Education Code, all relating to high school districts.

Referred to Committee on Education.

Assembly Bill No. 2218—An act to amend Sections 18541, 18543, 18973, 18974.5, 19390, 19392, 19394, 19395, 19397, 19398, 19399, 19401, 19402, 19403, and 19404 of, to repeal Sections 18540, 18970, 19391, 19393, and 19393.5 of, and to add Sections 18540, 18540.1, 18540.2, 18540.3, 18540.4, and 19401.1 to, the Government Code, relating to civil service rights of veterans and widows of veterans.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 2632—An act to add Sections 141 and 141.5 to the Welfare and Institutions Code, relating to warrants issued by the State Controller for old age security and security for the blind, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Assembly Bill No. 2709—An act relating to the use and occupation of real property lying within the lines of public improvements adopted as precised plans under the Conservation and Planning Act, restricting the use of property within such lines, and prescribing the powers and duties of certain public officers in connection therewith.

Referred to Committee on Local Government.

Assembly Bill No. 2968—An act to amend Sections 380.54 and 380.55 of the Agricultural Code, relating to the slaughter and inspection of horses and burros.

Referred to Committee on Agriculture.

REPORTS OF STANDING COMMITTEES

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Assembly Bill No. 1793
Assembly Bill No. 1794
Assembly Bill No. 2349
Assembly Bill No. 2350

Assembly Bill No. 2352
Assembly Bill No. 2353
Assembly Bill No. 1421

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Assembly Bill No. 2351
Assembly Bill No. 2674

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bills ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 792
Senate Bill No. 1449
Assembly Bill No. 98

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 114
Senate Bill No. 607
Senate Bill No. 1018
Assembly Bill No. 100
Assembly Bill No. 101

Assembly Bill No. 581
Assembly Bill No. 917
Assembly Bill No. 977
Assembly Bill No. 2898

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which was referred:

Senate Bill No. 1236

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 6; absent 5.

HATFIELD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which were referred:

Assembly Bill No. 939

Assembly Bill No. 943

Assembly Bill No. 941

Assembly Bill No. 959

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

HATFIELD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which were referred:

Assembly Joint Resolution No. 31

Assembly Joint Resolution No. 35

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 7; absent 4.

HATFIELD, Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which was referred:

Senate Bill No. 1237

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

HATFIELD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which were referred:

Assembly Bill No. 1107

Assembly Bill No. 1295

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

HATFIELD, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 14, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1077

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Finance, to which were referred:

Assembly Bill No. 1662

Senate Constitutional Amendment No. 7

Has had the same under consideration, and reports the same back with the recommendation: Without recommendation, for reasons given below.

Committee membership 11; committee vote: Ayes 11.

Assembly Bill No. 1662 and Senate Constitutional Amendment No. 7 have heretofore been considered by the Committee on Governmental Efficiency and Economy

and Governmental Efficiency, respectively, and were sent to the Finance Committee pursuant to Rule 12, Subdivision 5, of Senate Standing Rules. It has been reported to the committee that neither falls within the provisions of the foregoing Senate Rule and they are therefore sent to the Senate without recommendation.

RICH, Chairman

Assembly Bill No. 1662 ordered to second reading file.

Senate Constitutional Amendment No. 7 ordered to third reading file.

ADJOURNMENT

At 4.52 p.m., on motion of Senator Keating, the President declared the Senate adjourned until 1.30 p.m., Thursday, April 28, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTIETH LEGISLATIVE DAY

ONE HUNDRED SIXTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, April 28, 1949

The Senate met at 1.30 p.m.

Hon. Harold J. Powers, President pro Tempore of the Senate,
presiding.

Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—39.

Quorum present.

PRAYER

By invitation of the President, prayer was offered by Rev. Dr. Clarence A. Kircher, Minister Westminster Presbyterian Church of Sacramento.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Katherine Alexander, Alice Brennen, teachers, and the following students of the Fremont High School of Oakland: Lois Allen, Marian Lee Anderson, Anita Arellano, Frances Ashman, Mary Jane Brancato, Peggy Boyle, Sue Canfana, Barbara Carrol, Jeanne Carstens, Evelyn Conner, Jim Conway, Jane Corbin, Carl Cordes, Don Dickens, Pat Duane, Fritz Dueming, Dick Etter, Avalon Gagnon, Gordon Hansen, Joan Hansen, Jack Hansen, Barbara Jean Harris, Bob Hershberger, Marilyn Janke, Nadine Johnston, Joan Kelly, Marilyn Lagoria, John E. Martini, Don Mimosa, Helen Morse, Danny Pavon, Bob Pratt, Frances Printz, George Rausch, Duane Rice, Jay Robinson, Ron Rustad, Marjorie Saugestad, Barbara Schultz,

John S. Sorel, Donald Sorel, Sally Sorens, Sally Stewart, Gaudy Sweeney, Albert Taylor, John Varney, Jack Way, and Marvin Drake.

On request of Senator Bennett, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Ida Reed, instructor, Mrs. George Hildner, Mrs. Ida Hall and John Selvester, and the following students of Utah State College of Chem.: Edith Deussen, Donna Sue Edrledge, Vern Hansen, Peter Joseph, Larry Pense, Elsie Murphy, Margarette Smith, Marian Lee, George Hildner, Jr., Bruce Marion Benedict, Nadine Rogers, Verma Davis, Eleanor Gordon, Bob Hall, Jack Hamilton, Jack Marshall, Elsie Sadler, Melvin Thayer, and Florence Williams.

On request of Senator Bennett, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. Sheldon Decker of Turlock, Ross Decker of Berkeley, John and Joan Decker of Turlock.

On request of Senator Tamm, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John Thomas and Tony Earsick of San Pedro.

On request of Senators Edmonds and Deussen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Eugene Bear of Riverside.

On request of Senator Parkinson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Collier of San Mateo, Mrs. L. Mann of Monte Park, Ryle E. Swenson of Newwood City.

On request of Senator O'Connell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Dan and J. Gallagher, Mrs. Kathleen Brown, Mrs. Rose Morrison and William Fisher of San Francisco.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Peter Anderson of Clayton.

On request of Senator Deasey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Dorothy Vance of Birmingham.

On request of Senator Jett, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ray Jensen of San Clemente.

On request of Senators O'Hara and Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John Kevin O'Hara and Robert T. O'Hara of Albany.

Chief Assistant Secretary Clyde E. Taylor at the Desk

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day adjourned in Senate chambers.

Assembly Hall 800, 1949

ARTHUR A. BERGENTON, Chief Clerk of the Assembly
By ELLIOT F. LEVINE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 27

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 206
Senate Bill No. 363

Senate Bill No. 381
Senate Bill No. 654

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 217
Senate Bill No. 330
Senate Bill No. 789

Senate Bill No. 874
Senate Bill No. 1330

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 93
Senate Bill No. 423
Senate Bill No. 1006

Senate Bill No. 1268
Senate Bill No. 1321

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1413
Senate Bill No. 1427

And reports the same correctly re-engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 99
Senate Bill No. 497
Senate Bill No. 645

Senate Bill No. 697
Senate Constitutional
Amendment No. 2

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 42—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, Members of the Board of Equalization, and the Members of the Senate and Assembly;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twenty-seventh day of April, 1949, at 4 p.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 27, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 819—An act to add Section 17500.1 to the Business and Professions Code, relating to regulation of advertising;

Senate Bill No. 1484—An act to amend Sections 12410, 12440, and 16002 of the Government Code, relating to presentation and audit of claims against the State and drawing warrants therefor;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-seventh day of April, 1949, at 4 p.m.

POWERS, Chairman

Committee on Labor

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Assembly Bill No. 424

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 4; absent 3.

JUDAH, Chairman

Above bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Assembly Bill No. 155

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 7; committee vote: Ayes 5; absent 2.

JUDAH, Chairman

Above bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Assembly Bill No. 258

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 5; absent 2.

JUDAH, Chairman

Above bill ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Elections, to which was referred:

Senate Bill No. 191

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

JOHNSON, Vice Chairman

Above bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Elections, to which was referred:

Senate Bill No. 162

Has had the same under consideration, and reports the same back without recommendation.

Committee membership 9; committee vote: Ayes 6; absent 3.

JOHNSON, Vice Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred: Senate Bill No. 1250

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Senator Dorsey:

Senate Resolution No. 90

Relative to continuing powers of the Senate Standing Committee on Institutions

WHEREAS, The Senate Committee on Institutions was by Senate Resolution No. 55, constituted an investigating committee pursuant to Rule 12.5 and Senate Resolution No. 24 of the 1949 Regular Session and continued by Senate Resolution No. 74, authorized to act during this session of the Legislature, including any recess but not after final adjournment, with authority to file final report not later than April 30, 1949; and

WHEREAS, It appears that additional time will be required for further possible hearings, correllation of the materials submitted at the hearings, the preparation of the final report and the adoption of recommendations pertaining to the subject of the investigation by this committee; now, therefore, be it

Resolved by the Senate of the State of California. That the said Senate Committee on Institutions is authorized to so act during this session of the Legislature including any recess and until May 30, 1949, with authority to file its final report not later than that date.

Resolution read, and referred to Committee on Rules.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 49: By Senator Breed—Relative to approving a certain amendment to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the nineteenth day of April, 1949.

Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 49, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 49

Senate Concurrent Resolution No. 49—Relative to approving a certain amendment to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the nineteenth day of April, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Collier, Coombs, Crittenden, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Johnson, Keating, Kraft, Miller, Powers, Rich, Swing, Tenney, Ward, Watson, and Williams—24.
NOES—None.

Resolution ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented :

By Senator Collier :

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT : In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows :

An act to add Section 35.5 to the Public Utilities Act, relating to regulation of state-owned railroads as to safety of operation.

Respectfully submitted,

SENATOR COLLIER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 28, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Public Utilities.

POWERS, Chairman

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Collier moved a call of the Senate.

Motion carried. Time, 2.55 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

Secretary J. A. Beek at the Desk

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 393—An act to amend Sections 730.2, 731, 733.4, and 734 of, and to add a new Article 3, consisting of Section 734.5 to, the Agricultural Code, relating to the marketing of milk and other dairy products.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture :

Amendment No. 1

On page 5, line 8, of the printed bill, as amended, immediately following "amount", insert "not to exceed a sum".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 485—An act to add Chapter 1a to Division 2 to, and to repeal Section 150 of, the Agricultural Code, relating to agricultural pest control operators.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 4 to 9, inclusive.

Amendment No. 2

On page 3, line 48, of said bill, as amended, after "160.6", insert "It is unlawful to operate any aircraft in the business of pest control unless the pilot operating the aircraft holds a valid certificate of qualification issued by the director. A fee of twenty-five dollars (\$25) shall accompany each application for such pilot's certificate. Before such certificate may be issued, the applicant shall pass an examination to demonstrate to the director his ability to conduct pest control operations, and his knowledge of the nature and effect of materials used in pest control."

Amendment No. 3

On page 3, line 50, of said bill, after "equipment," insert "other than aircraft."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 792—An act authorizing suits against the State of California to quiet title against it as to certain real property situated in the County of Modoc, State of California.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 3, of the printed bill, after the comma, insert "swamp and overflowed land or lands uncovered by the recession or drainage of the waters of inland lakes, and inuring to the State by virtue of her sovereignty,".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1449—An act to amend Section 28140 of the Government Code, relating to compensation for public services in counties of the fortieth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "28140 of the Government Code, relat-", and strike out all of lines 2 and 3, and insert "737r of the Political Code, relating to salary of the judge of the Superior Court of Lassen County."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 737r of the Political Code is amended to read:
737r. The annual salary of the judge of the Superior Court in and for the County of Lassen is [seven thousand dollars (\$7,000).] *nine thousand two hundred fifty dollars (\$9,250).*"

Amendment No. 3

On page 1 of said bill, strike out lines 2 to 26, inclusive.

Amendment No. 4

On page 2 of said bill, strike out lines 1 to 6, inclusive.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 114—An act to amend Section 4764 of the Health and Safety Code, relating to the borrowing of money by county sanitation districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 607—An act to amend Section 28151 of the Government Code, relating to compensation for public services in counties.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1018—An act to amend Section 28129 of the Government Code, and to amend Section 429 of the Education Code, relating to counties and increasing the salaries of certain county officials.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1236—An act to repeal Section 24 of, and to add Section 24 to, the Fish and Game Code, relating to seizure of illegal birds, mammals or fish.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 2, line 8, of the amended bill, after "state", insert ", county, city, city and county".

Amendment No. 2

On page 2, line 8, of said bill, strike out "at the", and strike out line 9.

Amendment No. 3

On page 2, line 11, of said bill, after "thereof," insert "the sale of which is not prohibited and".

Amendment No. 4

On page 2, line 12, of said bill, after "preserved", insert ", sold for bait,".

Amendment No. 5

On page 2, line 13, of said bill, after "seizure," insert "at the prevailing market price for legal birds, mammals, fish, mollusks or crustaceans, in effect on the date of seizure,".

Amendment No. 6

On page 2, line 30, of said bill, after "State", insert ", county, city, city and county,".

Amendment No. 7

On page 2, line 34, of said bill, strike out "within thirty days after demand therefor", and insert "upon delivery to him".

Amendment No. 8

On page 2 of said bill, strike out lines 35 to 40, inclusive, and insert "for the benefit of the Fish and Game Preservation Fund, the prevailing market price for legal birds, mammals, fish, mollusks or crustaceans in effect on the date of seizure."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

Senate Bill No. 1237—An act to amend Section 1410 of the Fish and Game Code, relating to fines and penalties.

Motion to Re-refer Senate Bill No. 1237

Senator Hatfield moved that Senate Bill No. 1237 be re-referred to Committee on Fish and Game.

Motion carried.

Senate Bill No. 1077—An act to amend Section 19431 of the Business and Professions Code, relating to the California Horse Racing Board.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 10, of the printed bill, after the word "than", insert "the adoption of any rule, regulation or order or".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1413—An act authorizing suits against the State to quiet title against it to swamp or overflow lands by certain persons entitled to the benefits of Section 7523 of the Public Resources Code.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 918—An act to amend Section 829.5 of the Agricultural Code, relating to experimental containers for fruits, nuts and vegetables.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Assembly March 24, 1949, strike out "Section 829.5", and insert "Sections 828.15 and 829.5".

Amendment No. 2

In line 2 of the title of said bill, strike out "experimental".

Amendment No. 3

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 828.15 of the Agricultural Code is amended to read:

828.15.	4	Standard 12-basket crate.....	2½	13½	18
	5	Standard crate	4	16	16½
	6	Standard crate	4½	16	16½
	7	Standard crate	4½	16	16½
	8	Standard crate	4½	16	16½
	9	Standard crate	5, 5½ or 5¾	16	16½
	9A	Standard crate	5½	16	16½
	9B	Special crate	4½	14½	14½

SEC. 2. Section 829.5 of said code is".

Amendment No. 4

On page 2, line 18, of said bill, as amended, after "year", insert ", or if no shipments of such product were made by the applicant during the preceding year, then an estimate of the total quantity which such applicant will ship in all types of containers during the current year".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 903—An act to amend Section 123.55 of the Agricultural Code, relating to intercounty nursery stock certificates.

Bill read second time, and ordered to third reading.

Assembly Bill No. 904—An act to add Section 1045 to the Agricultural Code, relating to fertilizing materials.

Bill read second time, and ordered to third reading.

Assembly Bill No. 905—An act to amend Sections 1010 and 1011 of the Agricultural Code, relating to spray residue.

Bill read second time, and ordered to third reading.

Assembly Bill No. 906—An act to amend Sections 914, 914.5, 915.1, 915.5, 916.1, 917.5 of, to repeal Section 917.6 of, and to add Sections 913.1 and 918.1 to the Agricultural Code, relating to agricultural and vegetable seeds.

Bill read second time, and ordered to third reading.

Assembly Bill No. 920—An act to amend Section 108 of the Agricultural Code, relating to the control or eradication of pests.

Bill read second time, and ordered to third reading.

Assembly Bill No. 924—An act to add Section 1276 to the Agricultural Code, relating to the disposition and use of moneys derived from provisions of said code pertaining to produce dealers and processors.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1647—An act to amend Section 1300.15 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1793—An act to amend Sections 822, 823, 827, 839, 857, and 858 of the Insurance Code, relating to the issue of securities by insurers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1794—An act to amend Section 12400 of the Insurance Code, relating to title insurers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2349—An act to amend Sections 1703.91, 1703.92, 1703.94, 1703.95, and 1703.96 of the Insurance Code, relating to joint firm life agents' licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2350—An act to amend Sections 10953.3 and 10953.4 of the Insurance Code, relating to legal reserve capital stock insurers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2352—An act to amend Sections 11521 and 11523 of the Insurance Code, relating to grants and annuity societies.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2353—An act to add Section 1153.5 to, and to amend Section 1154 of the Insurance Code, relating to assets required to be maintained by insurers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1421—An act to add Section 9095 to the Insurance Code, relating to fraternal fire insurers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2351—An act to amend Sections 1649, 1679, 1706, 1709, 1808, and 1810.5 of the Insurance Code, relating to the licensing of insurance agents, brokers, solicitors and life agents, and to bail agents, permittees and solicitors.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 3, line 34, of the printed bill, as amended April 6, 1949, strike out "30th", and insert "31st".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2674—An act to amend Section 1850.4 of the Insurance Code, relating to the definition of "casualty insurance" under Chapter 9, relating to rates and rating and other organizations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 1850.4", and insert "Sections 1850.4 and 1851".

Amendment No. 2

Strike out line 2 of the title and in line 3 of the title strike out "9, relating".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, after line 8, insert

"SEC. 2. Section 1851 of said code is amended to read:

1851. The provisions of this chapter shall apply to all insurance on risks or on operations in this State, except:

(a) Reinsurance, other than joint reinsurance to the extent stated in Article 5.

(b) Life insurance.

(c) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance policies. Inland marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the commissioner or as established by general custom of the business, as inland marine insurance.

(d) Title insurance.

(e) Disability insurance.

(f) Workmen's compensation and employers' liability insurance incidental thereto and written in connection therewith.

[(g) Credit insurance.]

[(h)] (g) Mortgage insurance.

[(i)] (h) Insurance transacted by county mutual fire insurers or county mutual fire reinsurers."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 98—An act to amend Sections 26822, 26826, 26828, 26829, 26834, 26838, 26841, 26848, and 26852 of, to repeal Section 26835 and to add Section 26849.1 to, the Government Code, relating to the fees of county clerks.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 8, of the printed bill as amended, strike out "On the appearance", and insert "Upon filing the first paper in the action on behalf".

Amendment No. 2

On page 1, line 11, of said bill as amended, strike out ", to be paid", and strike out all of line 12, and insert a period.

Amendment No. 3

On page 2, line 24, of said bill as amended, strike out "dollars", and insert "dollar".

Amendment No. 4

On page 2 of said bill as amended, strike out line 30, and insert "four dollars (\$4)."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 100—An act to amend Section 5470 of the Health and Safety Code, relating to sewer rental charges and the use of moneys received therefrom.

Bill read second time, and ordered to third reading.

Assembly Bill No. 101—An act to amend Section 770 of the Vehicle Code, relating to disposition by cities of certain fines and forfeitures.

Bill read second time, and ordered to third reading.

Assembly Bill No. 581—An act to amend Section 28149 of the Government Code, relating to compensation for public services in counties of the forty-ninth class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 917—An act to amend Section 6420 of the Streets and Highways Code, relating to improvement assessments and bonds.

Bill read second time, and ordered to third reading.

Assembly Bill No. 977—An act to amend Sections 1631, 2311, and 5709 of the Welfare and Institutions Code, relating to the local control and regulation of certain institutions, boarding homes and other places caring for children, the aged and the insane.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2898—An act validating the formation and existence of county water works districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold and all proceedings for the issuance of bonds heretofore had and taken by such districts, and providing for the payment of such bonds.

Bill read second time, and ordered to third reading.

Assembly Bill No. 939—An act to amend Section 497 of the Fish and Game Code, relating to closures to fishing.

Bill read second time, and ordered to third reading.

Assembly Bill No. 941—An act to amend Section 1158 of the Fish and Game Code, relating to hunting.

Bill read second time, and ordered to third reading.

Assembly Bill No. 943—An act to repeal Sections 1040, 1041, and 1042 and to amend Section 1043, of the Fish and Game Code, relating to fish breeding.

Bill read second time, and ordered to third reading.

Assembly Bill No. 959—An act to amend Section 1016 of, and to add Sections 1016.1 and 1016.2 to, the Fish and Game Code, relating to fish packing and reduction privilege taxes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1107—An act to amend Section 886 of the Fish and Game Code, relating to fish for bait.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1295—An act to amend Section 2 of Chapter 1276, Statutes of 1947 and Section 1015.5 of the Fish and Game Code,

relating to fish, providing for a privilege tax in relation thereto, establishing a Marine Research Committee.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1662—An act to amend Sections 6852, 6855, 6857, 6861, 6862, 6864, 6865, 6866, 6876, 6877, 6878, 6880, 6885, 6886, 6889, 6890, 6895, 6897, 6898, 6902, 6906, 6907, 6908, 6909, 6910, 6911, 6912, 6913, 6914, 6915, 6916, 6922, 6923, 6925, 6926, 6930, 6950, and to add Sections 6858, 6931, 6947, 6948, and to renumber Sections 6939 and 6940 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Bill read second time, and ordered to third reading.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2 p.m., on motion of Senator Collier, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senator Collier was granted permission to introduce a bill by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Parkman, Powers, Rich, Salsman, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Swing:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 94.5 of the Agricultural Code, relating to the exemption of citrus fruit fair associations from taxation.

Respectfully submitted,

SENATOR SWING

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 28, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Governmental Efficiency.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, Parkman, Powers, Rich, Salsman, Swing, Tenney, Ward, Watson, and Williams—32.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time :

Senate Bill No. 1626: By Senator Collier—An act to add Section 35.5 to the Public Utilities Act, relating to regulation of state-owned railroads as to safety of operation.

Referred to Committee on Public Utilities.

Senate Bill No. 1627: By Senator Swing—An act to amend Section 94.5 of the Agricultural Code, relating to the exemption of citrus fruit fair associations from taxation.

Referred to Committee on Governmental Efficiency.

MOTION TO RE-REFER SENATE BILL NO. 1268 AND
ASSEMBLY BILL NO. 1295

Senator Rich moved that Senate Bill No. 1268 and Assembly Bill No. 1295 be re-referred to the Committee on Finance.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS

Senate Bill No. 1312—An act to amend Section 3480 of the Political Code, relating to reclamation districts.

Motion to Refer Bill to Inactive File

Senator Coombs moved that Senate Bill No. 1312 be placed on the inactive file.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to have Senate Bill No. 1427 passed on file and retain its place on file until the next legislative day.

President of the Senate Presiding

At 2.03 p.m., Hon. Goodwin J. Knight, President of the Senate, presiding.

Senate Bill No. 1562—An act to repeal Sections 3534 to 3537, inclusive, of the Revenue and Taxation Code, creating the Advisory Committee on Tax-deeded Property.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "3537", and insert "3538".

Amendment No. 2

On page 1, line 1, of said bill, strike out "3537", and insert "3538".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

RECESS

At 2.10 p.m., on motion of Senator Mayo, the Senate recessed to allow Senator Mayo to introduce Senator Walsh, President of the Senate, State of Oregon, who introduced the following members of the Senate, State of Oregon: Senators McAllister, Engdahl, Marsh, Dunn, Patterson, and Rand; and also Hon. Van Dyke, Speaker, House of Representatives, who introduced the following members of the House of Representatives, State of Oregon: Representatives Chadwick, Semon, Moore, Landon, and Morse, all members of the Interstate Cooperative Commission.

REASSEMBLED

At 2.17 p.m., the Senate reconvened.

Hon. Goodwin J. Knight, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1321—An act to add Section 20567.1 to the Government Code, relating to the State Employees' Retirement System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Tenney, Ward, Watson, and Williams—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1006—An act to add Section 26386 to the Health and Safety Code, relating to the California Pure Drugs Act and its administration.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Rich, Salsman, Tenney, Watson, and Williams—27.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 697—An act to add Chapter 2.5 and Section 4250 to Division 5, Part 2 of the Health and Safety Code, relating to contracts for the collection and disposal of garbage and other refuse matter.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Powers, Rich, Salsman, Tenney, Watson, and Williams—27.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 497—An act to add Sections 749.1 and 751.1 to the Code of Civil Procedure, relating to the determination of conflicting claims to real property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hulse, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Rich, Salsman, Tenney, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 93—An act to add Section 273 to the Penal Code, relating to participation of minors in equestrian events.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Senate Bill No. 1377 was taken up.

Senate Bill No. 1377—An act to amend Section 11000 of the Business and Professions Code, relating to real estate subdivisions.

Bill read third time.

Previous Question

Senator Hatfield moved the previous question.

Motion carried.

The question being on the final passage of Senate Bill No. 1377.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Desmond moved a call of the Senate.

Motion carried. Time, 3.40 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE REQUEST FOR UNANIMOUS CONSENT

Senator Abshire asked for, and was granted, unanimous consent to have the following opinion by the Legislative Counsel regarding Senate Bill No. 1377, printed in the Journal:

OPINION OF THE LEGISLATIVE COUNSEL

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, April 28, 1949

*Hon. Ben Hulse**Senate Chamber*

Senate Bill No. 1377, re real estate subdivisions. No. 6310

DEAR SENATOR HULSE: You have requested an analysis of this bill, with particular attention to whether or not it will operate to deprive boards of supervisors of any powers.

The bill amends Section 11000 of the Business and Professions Code which defines the terms "subdivision" and "subdivided land" as used in Sections 11000 to 11020, inclusive, of said code, which comprise Chapter 1, Part 2, Division 4 thereof.

The bill provides that these terms do not include a parcel of land subdivided into lots or parcels the area of each of which is five acres or more.

The section affected appears in a chapter which is a part of the former Real Estate Act (Chapter 605, Stats. 1919). The principal features of the chapter are as follows:

Prior to offering subdivided lands for sale the subdivider must file a notice of intention with the Real Estate Commissioner, giving a description of the land and certain information as to the condition of the title, the terms on which it is intended to sell the land and other specified information (Sec. 11010).

The Real Estate Commissioner is authorized to investigate the subdivision (Sec. 11014). If he does he makes a public report which he may publish (Sec. 11018).

The commissioner may also make an order prohibiting the sale or lease of the land if the examination shows that the sale or lease would constitute misrepresentation to or deceit or fraud of purchasers of lots or parcels in the subdivision. Such order may be issued only after a hearing and is subject to judicial review (Sec. 11019).

These provisions are designed to prevent fraudulent practices in the sale of subdivided lands. This has been held to be a valid exercise of the police power of the State. *In re Sidsbotham* (1938) 12 Cal. 2d. 434.

In that case, in answer to the contention that the provision that the land must be divided into five or more lots was arbitrary the court said "The Legislature must necessarily choose some point at which the sale of parcels from a large tract gives rise to the possible evils which require regulation, and we can not say that the determination of five lots is improper" (12 Cal. 2d at p. 437-438).

We believe that the courts would sustain the five-acre provision proposed to be added by the bill on similar reasoning. At some point the size of the parcels eliminates or at least minimizes the dangers of the fraudulent practices at which the law is aimed and it is the Legislature's province to determine where that point lies.

The bill would not leave subdivisions containing only lots or parcels which are over five acres in area without regulation. They would be

subject to other state laws regulating subdivisions, such as the Subdivision Map Act (Sees. 11500-11628, incl., B. & P. C.) unless otherwise exempted by the provisions of such laws.

The bill would not deprive the boards of supervisors of the power to enact ordinances affecting such subdivisions.

Section 11 of Article XI of the Constitution provides that counties may make and enforce within their limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

It is probable that if the bill becomes law that the counties could not impose upon such subdivisions the same regulations as the bill exempts them from. Presumably the Legislature has occupied the entire field of regulations to prevent fraud and deceit in sales of lots in subdivisions and its exemption of subdivisions containing only lots of more than five acres would probably be construed to be a determination that regulation in that respect of such subdivisions is unnecessary.

Unless it could be shown that peculiar conditions in a county justified such regulation the board of supervisors could probably not impose the same or substantially similar regulations on such subdivisions.

This would not, however, prevent the board of supervisors from regulating such subdivisions in other respects, so long as such other regulations were not, in themselves, in conflict with some general law.

Very truly yours,

FRED B. WOOD, Legislative Counsel

By JOSEPH W. PAULUCCI, Deputy

Copy to author pursuant to Joint Rule No. 34

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1618

Senator Rich moved that Senate Bill No. 1618 be withdrawn from Committee on Natural Resources for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1618—An act to amend Sections 6210.5, 6813, and 6827 of the Public Resources Code, relating to lands owned by the State, including tidelands and submerged lands, beds of navigable rivers and lakes, lands held in proprietary or sovereign capacity, and other lands, providing for the administration, management, leasing, and disposition thereof, and of the oil and gas and other mineral deposits within or upon such lands.

Bill read second time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

In title of printed bill, strike out line 1 and insert

"An act to amend Sections 6210.5, 6301, 6357, 6502, 6813, 6815, 6827, 6834, 6836, 6871, 6873, and 6874, to add Section 6501.1 and to amend the title of Article 3 of Chapter 4, Part 1, Division 6 of the the Public".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 3 to 8, inclusive, and insert

"6210.5. The commission may amend or terminate any lease, easement, or contract under its jurisdiction, with the consent of the other party thereto. The commission may, with the consent of the other party thereto, change the extent of the area of any lease under its jurisdiction.

SEC. 2. Section 6301 of said code is amended to read:

6301. The commission has exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the State, and of the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits, *including tidelands and submerged lands or any interest therein, whether within or beyond the boundaries of the State as established by law, which have been or may be acquired by the State (a) by quitclaim, cession, grant, contract, or otherwise from the United States or any agency thereof, or (b) by any other means.* All jurisdiction and authority remaining in the State as to tidelands and submerged lands as to which grants have been or may be made is vested in the commission.

The commission shall exclusively administer and control all such lands, and may lease or otherwise dispose of such lands, as provided by law, upon such terms and for such consideration, if any, as are determined by it.

SEC. 3. Section 6357 of said code is amended to read:

6357. The commission may establish the ordinary highwater mark *or the ordinary low-water mark* of any of the swamp, overflowed, marsh, tide, or submerged lands of this State, either by arbitration or action to quiet title, whenever it is deemed expedient or necessary.

SEC. 4. Section 6502 of said code is amended to read:

6502. Any person, firm or corporation desiring to lease any of the [unsold public land] lands owned by the State, *or in which it may have an interest*, for any purpose not prohibited or otherwise provided for by law, may make application therefor to the commission, describing the lands sought to be leased by legal subdivisions *or, if such lands are unsurveyed, by metes and bounds or by such other method as the commission may prescribe.* The application shall be accompanied by a filing fee of five dollars (\$5). No filing fee shall be required of the United States or any agency thereof, or of this State, its agencies or political subdivisions.

All applications to lease lands under this chapter shall be approved or rejected by the commission within [90] 180 days after the receipt thereof.

SEC. 5. Section 6813 of said code is amended to read:"

Amendment No. 3

On page 1 of said bill, strike out lines 18 and 19, and insert "which oil or gas is known or believed to exist in such lands or in the vicinity thereof, and, pending the establishment of any such boundaries, provided for the administration, exploration and development of any lands embraced within the conflicting boundary claims."

Amendment No. 4

On page 1 of said bill, after line 22, insert

"SEC. 6. Section 6815 of said code is amended to read:

6815. Whenever it appears to the commission that wells [drilled upon private lands] are draining or may drain oil or gas from lands owned by the State, the commission may enter into agreements [with the owners or operators of such wells] for the payment of compensation to the State for such drainage, in lieu of drilling offset wells upon such state lands."

Amendment No. 5

On page 2, line 1, of said bill, strike out "SEC. 3", and insert "SEC. 7".

Amendment No. 6

On page 2 of said bill, strike out lines 5 and 6, and insert "term of 20 years or may be for a term of 20 years and for so long thereafter as gas or oil is produced in paying quantities from the leased lands. If such term is for 20 years it may, at any time or times prior to its expiration, be extended upon such terms and conditions and for such period or periods of time as".

Amendment No. 7

On page 2 of said bill, strike out lines 14 to 47, inclusive, and insert

"SEC. 8. Section 6834 of said code is amended to read:

6834. Whenever the commission determines that lands shall be leased as provided in Articles 3 and 4 of this chapter and when the form of lease therefor has been prepared by the commission, the commission shall give notice of intention to lease

such lands. The notice shall be published in a newspaper of general circulation in the county in which the lands or the greater portion thereof are situated, *or in the event no portion of such lands are situated in any county, then in the county nearest to which said lands are located*, and shall state the time (which shall not be less than fourteen days after the last date of publication of the notice) and place for receiving and opening bids, a description of the lands, [either] as a tract or by parcels, *whether bids will be received for a lease of the entire tract as a single parcel or for a separate lease of each of the several parcels as described in the notice*, and that [the form of lease] for the purpose of bidding, *the form of lease required for each such parcel may be procured at the designated office of the commission.*

If the notice is published in a weekly newspaper, it must appear therein on at least two different days of publication and if in a newspaper published oftener, there must be at least five days from the first to the last day of publication, both days included.

SEC. 9. Section 6836 of said code is amended to read:

6836. At the time and place specified in the notice, the commission shall publicly open the sealed bids and shall award the lease for each parcel to the highest qualified bidder, unless in the opinion of the commission, the acceptance of the highest bid for any parcel or parcels is not for the best interests of the State, in which event the commission may reject the bids for such parcel [or parcels]. Thereupon new bids may be called for and the parcel [or parcels] for which the bids were rejected may be leased as herein provided.

SEC. 10. Section 6871 of said code is amended to read:

6871. Tide and submerged lands, and oil and gas deposits reserved to the State under grants heretofore or hereafter made, may be leased by the commission for the extraction of oil and gas in accordance with the provisions of this article and of this chapter insofar as not in conflict with the provisions of this article. No political subdivision of the State or any city or county or any official of either or any of them shall grant or issue any lease, license, easement, privilege, or permit vesting authority in any person to take or extract oil or gas from tide or submerged lands whether filled or unfilled of which the State is the owner or from which the State has the right to extract oil or gas, or both.

SEC. 11. Section 6873 of said code is amended to read:

6873. The commission shall prepare a form of lease which shall contain, in addition to other provisions deemed desirable and necessary by the commission, appropriate provisions contained in this chapter and the following:

(a) Each well drilled pursuant to the terms of the lease shall be drilled [only] upon filled lands or shall be slant drilled from an upland or littoral drill site to and into the subsurface of the tide or submerged lands covered by the lease, or shall be drilled or slant drilled to and into the subsurface of tide or submerged lands covered by the lease, from a drill site located upon any pier heretofore constructed for drilling purposes and available for such drilling upon any tide or submerged lands described in any valid existing lease heretofore issued pursuant to the provisions of Chapter 303, Statutes of 1921, as amended, if in the judgment of the commission such drilling will be in the public interest. The derricks, machinery, and any and all other surface structures, equipment, and appliances shall be located only upon filled lands or upon the littoral lands or uplands, or upon any pier heretofore constructed and available for such drilling upon any tide or submerged lands described in any valid existing lease heretofore issued pursuant to the provisions of Chapter 303, Statutes of 1921, as amended, and all surface operations shall be conducted therefrom, *except that after production has been obtained from wells drilled under the lease, the commission may authorize, when in the best interests of the State, the drilling of wells from artificial structures located offshore at a distance of a minimum of a mile from shore.*

(b) Pollution and contamination of the ocean and tidelands and all impairment of and interference with bathing, fishing or navigation in the waters of the ocean or any bay or inlet thereof is prohibited, and no oil, tar, residuary product of oil or any refuse of any kind from any well or works shall be permitted to be deposited on or pass into the waters of the ocean or any bay or inlet thereof.

SEC. 12. Section 6874 of said code is amended to read:

6874. In any notice of intention to lease tide or submerged lands, the commission may include a requirement that each prospective bidder, as a condition precedent to the consideration of his bid and in addition to the other qualifications required by this chapter, shall, *as to any operations which are provided in the lease to be done, other than from an artificial structure located offshore at a distance of a minimum of one mile from shore*, present evidence satisfactory to the commission of his present ability to furnish all necessary sites and rights of way for all such operations contemplated under the provisions of the proposed lease. *Such notice of intention shall also include a requirement that:*

(a) Each bidder, as a condition precedent to award, must submit with the bid a certified copy of a financial statement which in the judgment of the commission establishes his financial ability to undertake and fulfill all obligations under the prospective lease.

(b) Each bid submitted pursuant to such notice shall be accompanied by a certified or cashier's check drawn on a responsible California bank and made payable to the State of California in such sum as in the judgment of the commission shall be adequate as a deposit of evidence of good faith and which deposit, except in the case of the successful bidder, shall be returned to the respective bidders.

(c) Should the successful bidder fail or refuse to execute the lease within fifteen days of an award thereof by the commission or fail to file the hereinafter mentioned bond with the commission, said deposit shall be forfeited to the State of California; otherwise the amount of said deposit shall be applied upon the annual rental for the first year and for defraying the cost of advertising for bids and the balance, if any, refunded to the successful bidder.

(d) At the time of the execution of a lease, the lessee shall furnish and thereafter maintain a good and sufficient bond in such penal sum as the commission may in its judgment determine to guarantee the faithful performance by the lessee of the terms, covenants and conditions of said lease and of the provisions of law in such cases made and provided. [In such event the] The commission shall reject the bids of all bidders who fail to qualify as provided by this section.

SEC. 13. Section 6501.1 is added to said code, to read:

6501.1. Lands owned by the State may be leased for such purpose or purposes as the commission deems advisable, including but not limited to grazing leases, leases for commercial or industrial purposes and leases for campsites.

SEC. 14. The title of Article 3, Chapter 4, Part 1, Division 6 of said code is amended to read:

Article 3. Procedure on Establishment of Ordinary High-water and Low-water Mark."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.42 p.m., on motion of Senator Desmond, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 1377 passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Crittenden, Desmond, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Kenting, Kraft, Mayo, McBride, Parkman, Rich, Sutton, Swing, Tenney, Ward, and Watson—23.

NOES—Senators Breed, Hugh M. Burns, Collier, Coombs, Cunningham, Dillinger, Donnelly, Drobish, Jespersen, Miller, O'Gara, Powers, Salsman, and Williams—14.

Motion to Reconsider

Senator Breed moved to reconsider the vote whereby Senate Bill No. 1377 was passed.

Postponement of Reconsideration

On motion of Senator Breed, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1377 was passed, was continued until the next legislative day.

MOTION TO EXCUSE SENATOR REGAN

Senator Powers moved that Senator Regan be excused for the balance of this legislative day on legislative business.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

CONSIDERATION OF SPECIAL ORDER

The hour of 3 p.m. having arrived, Assembly Bill No. 1687 was taken up.

Assembly Bill No. 1687—An act to amend Section 24400 of the Health and Safety Code, relating to abandoned excavations, declaring the urgency of this act, to take effect immediately.

Bill read third time, and presented by Senator Kraft.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 3.59 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 423—An act to add an article heading for Article 1 and to add Article 2 comprising Section 956 to Chapter 1 of Title 2 of Part 3 of Division 2 of the Civil Code; and to amend Sections 376 and 377 of the Code of Civil Procedure; and to amend Sections 573, 574, and 707 of the Probate Code; and to amend Section 402 of the Vehicle Code; and to amend Section 11580 of the Insurance Code; all relating to actions for personal injury and actions for wrongful death generally, and the survival of such actions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, McBride, Miller, O'Gara, Parkman, Powers, Salsman, and Williams—25.

NOES—Senators Dillinger, Donnelly, Dorsey, Jespersen, and Tenney—5.

Bill ordered transmitted to the Assembly.

Senate Bill No. 271—An act to amend Sections 735.3, 736.1-1, and 736.3 of, and to add Section 735.10 to, the Agricultural Code, relating to fluid milk and fluid cream.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Swing, Tenney, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1e to Article IV thereof, relating to initiative measures.

Resolution read.

Motion to Amend

Senator Judah moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 10, of the printed measure, as amended in Senate March 23, 1949, after "Finance", insert "and the Legislative Auditor, jointly,".

Amendment No. 2

On page 1, line 18, of said bill, after "Finance", insert "and the Legislative Auditor".

Amendments read, and adopted.

Resolution ordered printed, re-engrossed, and to third reading.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 23e to Article IV thereof, relating to the compensation of Members of the Legislature.

Resolution read.

Motion to Amend

Senator Mayo moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 8 to 13, inclusive, and insert "SEC. 23e. Section 9300 of the Government Code as set forth in Chapter 714, Statutes of 1947 fixing the salaries of Members of the Legislature at three thousand dollars (\$3,000) per year is hereby approved and made effective upon the adoption of this amendment; provided, that the salaries of Members of the Legislature shall not be further increased except by a vote of the people."

Amendment read, and adopted.

Resolution ordered printed, re-engrossed, and to third reading.

Senate Bill No. 645—An act authorizing suit against the State of California to quiet title to certain real property, and regulating the procedure therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Tenney, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 626

Senator Mayo moved that Senate Bill No. 626 be withdrawn from Committee on Natural Resources for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 626—An act to amend Sections 507, 2203, and 2207 of, and to add Section 507.1 to, the Public Resources Code, relating to the administration and functions of the Division of Mines.

Bill read second time.

Motion to Amend

Senator Mayo moved the adoption of the following amendment :

Amendment No. 1

On page 2 of the printed bill, strike out lines 37 to 50, and insert

"Such reports shall be confidential. Other records are public records unless excepted by statute. Statistical bulletins based on these reports and published under the provisions of Section 2205 of this code shall be compiled to show, for the State as a whole and separately for each county, the total of each mineral produced therein; provided that, in order not to disclose the production of any operator, no production figure shall be published which represents the production of less than three operators; and when such production figure for any county would conflict with such provision it may be combined with such production figures for one or more other counties. Such bulletin shall be published annually by June 30th or as soon thereafter as practical."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Dillinger moved that Senate Bill No. 901 be taken from the inactive file and placed on the second reading file.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill No. 1358—An act to amend Section 1772 of the Welfare and Institutions Code, relating to the discharge of parolees.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Keating asked for, and was granted, unanimous consent to have Assembly Bills Nos. 1098, 1101, 1102, 1103, 1104, and 1111 passed on file and retain their place on file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Salsman asked for, and was granted, unanimous consent to have Assembly Bill No. 1000 passed on file and retain its place on file until the next legislative day.

Assembly Bill No. 671—An act to amend Section 1812 of the Education Code, relating to school district elections.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Johnson, Keating, Miller, O'Gara, Parkman, Powers, Salsman, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1198—An act to amend Sections 2605, 2701, 2801, 2803, 2917, 4151, and 4152 of the Revenue and Taxation Code, relating to due dates of installment payments on the secured tax roll, payment on a portion of a parcel and to collection on unsecured roll.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Johnson, Keating, McBride, Parkman, Powers, Watson, and Williams—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1712—An act to amend Sections 11004 and 11005 of the Revenue and Taxation Code, relating to the disposition of motor vehicle license fees ("in-lieu" tax).

Bill read third time, and presented by Senator Johnson.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Keating, McBride, O'Gara, Parkman, Powers, Watson, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Desmond asked for, and was granted, unanimous consent to have Assembly Bill No. 607 passed on file and retain its place on file until the next legislative day.

Assembly Bill No. 1976—An act to amend Sections 2611 and 4992 of, add Section 3731 to, and repeal Sections 3637 and 4101.5 of the Revenue and Taxation Code, relating to the collection of taxes generally.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Gibson, Hatfield, Hulse, Jespersen,

Johnson, Judah, Keating, McBride, Parkman, Powers, Sutton, Watson, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2002—An act to amend Sections 3351 and 3439 of the Revenue and Taxation Code, relating to real property taxation.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Mayo, McBride, Powers, Sutton, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2003—An act to amend Sections 4371, 4372, 4373, and 4374 of the Revenue and Taxation Code, relating to real property taxation.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Keating, Mayo, O'Gara, Parkman, Powers, Sutton, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2025—An act to amend Sections 3442 and 3807.5 of the Revenue and Taxation Code, relating to real property taxation and the termination of the right of redemption of tax-deeded property reconveyed to the State of California.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Mayo, O'Gara, Parkman, Powers, Sutton, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2026—An act to add Chapter 3.3, comprising Sections 2851 to 2862, inclusive, to Division 1, Part 5 of the Revenue and Taxation Code, relating to the collection of taxes on real property.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Mayo, O'Gara, Parkman, Powers, Sutton, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2602—An act to amend Section 3513 of the Revenue and Taxation Code, relating to the contents of deed.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, John, Keating, Mayo, O'Gara, Parkman, Powers, Sutton, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2603—An act to amend Sections 3353, 3354, 3355, 3358, 3359, 3511, 4653, and to repeal Chapter 3 of Part 6, consisting of Sections 3476, 3477, 3478, 3479, 3480, and 3481, and Sections 3490, 3491, 3492, 3493, 4654, of the Revenue and Taxation Code, relating to the sale and deeding of tax-sold property.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Crittenden, Desmond, Dilworth, Donnelly, Gibson, Hulse, Jespersen, Johnson, Keating, Mayo, O'Gara, Parkman, Powers, Sutton, and Williams—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2604—An act to amend Sections 4916 and 4925 of; and add Section 5097.1 to the Revenue and Taxation Code, relating to the refund of duplicate and excess tax payments.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Jespersen, Johnson, Mayo, Miller, O'Gara, Parkman, Powers, Sutton, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2605—An act to amend Sections 4653, 4653.1, to repeal Section 4655 and to add Chapter 1.3 to Part 8, Division 1, consisting of Sections 4670, 4671, 4672, and 4673 to the Revenue and Taxation Code, relating to distribution of proceeds from sale of tax-deeded property.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Busch, Collier, Crittenden, Desmond, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Sutton, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 346—An act to add Section 5003.1 to the Public Resources Code, relating to maintenance and operation of establishments or facilities for the sale of merchandise or services to the public.

Bill read third time, and presented by Senator Abshire.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Jespersen, Johnson, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Sutton, and Williams—21.
NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Assembly Bill No. 1856—An act to amend Section 4001 of the Government Code, relating to public work.

Bill read third time, and presented by Senator Parkman.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Sutton, and Williams—23.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 347—An act authorizing the State Lands Commission to exchange property of the State of California for property of Marin County.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Crittenden, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Sutton, and Williams—22.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1854—An act to amend Section 14033 of the Government Code, relating to the revolving fund of the Division of Architecture.

Bill read third time, and presented by Senator Parkman.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Sutton, and Williams—22.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1717—An act to add Sections 16346, 16347, 16348, and 16349 to Article 1 of Chapter 2 of Part 2 of Division 4 of Title 2, and to amend Section 16350, of the Government Code, relating to the abolition of special funds in the State Treasury.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Sutton, and Williams—23.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 608—An act to amend Sections 271.2, 304, 307, 311, and 332 of the Vehicle Code, relating to the licensing of drivers of motor vehicles.

Bill read third time, and presented by Senator Breed.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Breed moved a call of the Senate.

Motion carried. Time, 5.20 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1409

Senator Jespersen moved that Senate Bill No. 1409 be withdrawn from Committee on Social Welfare for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1409—An act to add Section 7.6 to the California Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 23, of the printed bill, after the word "each", strike out "calendar" and insert "fiscal".

Amendment No. 2

On page 2 of said bill, after line 16 insert

"(e) The commission may prescribe by authorized regulations the method of reporting information necessary to be submitted by each department, board or agency of the State of California or particular office, institution, branch or unit of such state department, board or agency for the proper administration of this section."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1252

Senator Keating moved that Senate Bill No. 1252 be withdrawn from Committee on Public Health and Safety for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1252—An act to amend Section 4730 of the Health and Safety Code, relating to the governing body of a sanitation district.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out lines 1 and 2, and insert

"An act to amend Sections 3, 4, and 5 of the Sanitation and Sewer Revenue Bond Act of 1941, relating to sanitation and sewer revenue-producing enterprises."

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 3 of the Sanitation and Sewer Revenue Bond Act of 1941 is amended to read:

Sec. 3. Grant of Power. Any municipality shall have power and is hereby authorized:

(a) To acquire by gift, purchase, or the exercise of the right of eminent domain, any enterprise;

(b) To construct or to improve any enterprise wholly within or wholly without the municipality, or partially within and partially without the municipality and to acquire by gift, purchase, or the exercise of the right of eminent domain or otherwise, lands, easements, and rights in lands in connection therewith;

(c) To operate and maintain any enterprise wholly within or wholly without, or partially within and partially without the municipality, for its own use and for the use of public and private consumers and users within and without the municipality; provided, that no municipality shall operate any enterprise wholly without such municipality except in conjunction with and as a part of any such enterprise within such municipality;

(d) To prescribe, revise and collect fees, tolls, rates, rentals, or other charges as hereinafter more fully provided for the services and facilities furnished by the enterprise; provided, that the municipality may provide that rates, tolls and charges for any sewer enterprise or service shall be collected with the rates, tolls and charges for any other utility service rendered by the municipality, and that all rates shall be billed upon the same bill and collected as one item, and that in the event of failure to pay the whole or any part thereof, the municipality may discontinue any and all service for which such bill is rendered; provided further, that the municipality may also provide for the collection of any such fees, tolls, rates, rentals or other charges in any lawful manner and may provide for the collection of the same by action at law or in any other lawful manner, and any and all such remedies for the collection and enforcement of all such fees, tolls, rates, rentals or other charges shall be cumulative and may be pursued alternatively or consecutively as the municipality may determine. In addition to such fees, tolls, rates, rentals or other charges, the municipality may provide for a penalty of not more than 10 percent, in the event of nonpayment thereof within the time and in the manner as may be prescribed by the municipality, and may provide for collection of such penalty;

(e) To issue revenue bonds in order to raise funds for the purpose of acquiring, constructing or improving an enterprise, or for any combination of two such purposes, which bonds may be secured as hereinafter provided; provided, however, that nothing in this act shall be construed as authorizing any municipal corporation to borrow money and to issue revenue bonds for the purpose of acquiring, constructing or improving any systems, plants, works or undertakings used or to be used in connection with (1) the generation, production, transmission and distribution of electric energy for lighting, heating and power for public or private uses, (2) the generation, production, transmission and distribution of gas for public or private uses, or (3) the production, transmission and distribution of water for public or private uses;

(f) To make and enforce all necessary rules and regulations to protect the public health in the municipality with respect to the operation and maintenance of any enterprise as herein defined, and to make and enforce such regulations each such municipality is hereby granted police power with respect to any enterprise acquired, constructed or improved hereunder. Without limiting the generality of the authority hereby conferred upon each municipality, each municipality may (i) in the event it shall acquire, construct or improve any sanitation or garbage removal or disposal system require the inhabitants of said municipality to use the facilities of such garbage removal or disposal system exclusively; and (ii) in the event any municipality shall acquire, construct or improve any sewer system hereunder, it may declare that the further maintenance or use of cesspools or other local means of sewage disposal

shall constitute a public nuisance and may require all buildings inhabited or used by human beings and in which any sewage is produced to be connected with the sewer system acquired or constructed or improved hereunder within such period, not less than [90] 30 days from the [completion of the enterprise] time when such a connection could be made, as may be prescribed by the municipality; provided, that such buildings to be served thereby are within a reasonable distance from connection with said sewer system, not more than [100] 200 feet;

(g) To execute all instruments, perform all acts, and do all things necessary or convenient in the exercise of the powers granted by this act or in the performance of its covenants or duties.

SEC. 2. Section 4 of said act is amended to read:

Sec. 4. Procedure for Authorization.

(a) Any municipality may by resolution of its governing body, which resolution shall take effect immediately upon the adoption thereof, submit to its qualified voters at an election held for that purpose, the proposition of issuing revenue bonds under this act [to provide funds for the acquisition, construction or improving of an enterprise or for any combination of two or more such purposes] to provide funds for the acquisition, construction, improving or financing of an enterprise, including any or all expenses incidental thereto or connected therewith or any combination of two or more of such purposes. Such resolution may be adopted at a regular or special meeting and at the same meeting at which it is introduced, by a majority of all members of the governing body then in office. Such resolution shall state the purpose or purposes for which the revenue bonds are proposed to be issued, the estimated cost of the acquisition, construction or improvement, the principal amount of the bonds to be issued therefor, the maximum rate of interest to be paid on such bonds, which shall not exceed 6 per centum per annum, payable annually or semiannually, and shall fix the date on which the aforesaid election will be held, the manner of holding such election, and the manner of voting for or against the issuance of said bonds, and shall state that in all particulars not recited in said resolution such election shall be held and the votes canvassed in the manner provided by law for the holding of general municipal elections in such municipality. Such proposition may be submitted at the same election with other propositions authorized by law. Such resolution shall also state that said bonds are to be revenue bonds, payable exclusively from the revenue of the enterprise and are not to be secured by the taxing power of the municipality.

(b) Such resolution shall be published once a day for at least seven days in some newspaper published at least six days a week in such municipality, or once a week for two weeks in some newspaper published less than six days a week in such municipality, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days a week. In municipalities where no such newspaper is published, such resolution shall be posted in three public places therein for two succeeding weeks. No other notice of such election need be given. It shall require the votes of a majority of all the voters voting on any such proposition to authorize the issuance of the revenue bonds herein provided for.

(c) If the issuance of the revenue bonds is authorized by the votes of a majority of all the voters voting on the proposition, the governing body shall by resolution provide for their issuance and sale. Such resolution shall take effect immediately upon the adoption thereof.

SEC. 3. Section 5 of said act is amended to read:

Sec. 5. Terms of Revenue Bonds. The revenue bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty years from their respective dates (provided, that if any authorized issue of revenue bonds is divided into two or more series or divisions, the maximum maturity date of each of such series or divisions shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue), and any bonds or any series or division of any authorized issue may be in the form of serial bonds or sinking fund bonds with serial or term maturities, may bear interest at a rate or rates not exceeding 6 per centum per annum, payable annually or semiannually, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, and may be subject to such terms of redemption, with or without a premium (provided, that no such premium shall be in excess of 6 per centum of the par value of such revenue bonds; and provided further, that none of said revenue bonds shall be subject to call or redemption prior to their fixed maturity date unless the right to exercise such call is expressly stated on the face of the bonds), all as provided in said resolution. Such resolution may also provide the terms and conditions upon which all such revenue bonds issued thereunder may be declared or become due and payable in the event of certain defaults, if any, as may be specified in said resolution, and may also provide for the replacement of mutilated, destroyed, stolen, or lost bonds. Said revenue bonds may be authenticated in such manner and upon compliance with such conditions, and may contain such other terms and covenants, as may be provided by resolution of the governing body of the municipality. Pending the preparation

of the definitive bonds, interim receipts or temporary bonds, exchangeable for definitive bonds when such definitive bonds are ready for delivery, in such form and with provisions as the governing body may determine, may be issued to the purchaser of the bonds. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond, or interim receipt, is nonnegotiable, the bonds and interim receipts therefor shall at all times be, and shall be treated as, negotiable instruments for all purposes. The governing body of the municipality in determining the amount of revenue bonds to be issued may include in such amount [all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal agent's and legal expenses, working capital and interest which is estimated will accrue during the construction period and for not exceeding 12 months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this act.] *all costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the enterprise, including engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said revenue bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed twelve months after completion of construction.*"

Amendment No. 3

On page 1 of said bill, strike out lines 2 to 30, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.24 p.m., on motion of Senator Breed, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 608 passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Crittenden, Cunningham, Dillinger, Dilworth, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Sutton, and Williams—21.

NOES—Senators Desmond and Hatfield—2.

Motion to Reconsider

Senator Desmond moved to reconsider the vote whereby Assembly Bill No. 608 was passed.

Postponement of Reconsideration

On motion of Senator Desmond, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 608 was passed, was continued until the next legislative day.

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 31—Relative to provision for public recreation, fish and wildlife development in flood, irrigation and power projects involving construction of dams.

Resolution read, and presented by Senator Johnson.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Sutton, and Williams—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 35—Relative to the establishment of an open hunting season on wild pigeons.

Resolution read, and presented by Senator Hatfield.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Sutton, and Williams—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 1394—An act to amend Sections 27320 and 27321 of the Government Code, relating to the recordation of instruments.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Michael J. Burns, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Sutton, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

APPOINTMENT TO THE SOCIAL WELFARE BOARD

STATE OF CALIFORNIA, DEPARTMENT OF SOCIAL WELFARE

SACRAMENTO, April 27, 1949

The Honorable Goodwin Knight

President of California State Senate

State Capitol, Sacramento, California

DEAR SIR: I have the honor to present the name of Mrs. Harold S. Stein of San Francisco for appointment to the State Social Welfare Board under the provisions of Article XXV of the State Constitution:

Mrs. Harold S. Stein is the mother of two sons; member of the Committee of Women, Temple Sherith Israel; member of the San Francisco Jewish Survey Committee; an active member of the Hadassah; Area Chairman of Hillel Refugee Service; Past President of B'nai Brith Women and Past Matron Lebanon Lodge, Eastern Star; and her husband is Harold Stein, owner of Castleman & Stein Drug Company, and an active Scottish Rite Mason.

Respectfully submitted,

MYRTLE WILLIAMS, Director
Department of Social Welfare

Appointment read, and referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 225
Assembly Bill No. 226
Assembly Bill No. 361
Assembly Bill No. 421
Assembly Bill No. 531
Assembly Bill No. 653
Assembly Bill No. 929
Assembly Bill No. 931
Assembly Bill No. 972
Assembly Bill No. 978
Assembly Bill No. 979
Assembly Bill No. 980
Assembly Bill No. 981

Assembly Bill No. 996
Assembly Bill No. 1190
Assembly Bill No. 1284
Assembly Bill No. 1304
Assembly Bill No. 1462
Assembly Bill No. 1869
Assembly Bill No. 1888
Assembly Bill No. 2020
Assembly Bill No. 2121
Assembly Bill No. 2249
Assembly Bill No. 2414
Assembly Bill No. 2843

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time :

Assembly Bill No. 225—An act to amend Section 28145 of the Government Code, relating to compensation for public service in counties of the forty-fifth class.

Referred to Committee on Local Government.

Assembly Bill No. 226—An act to amend Section 28126 of the Government Code, relating to compensation for public service in counties of the twenty-sixth class.

Referred to Committee on Local Government.

Assembly Bill No. 361—An act adding Sections 31681 and 31738 to the Government Code, relating to retirement allowances.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 421—An act to add Section 959.1 to, and to amend Section 960 of, the Streets and Highways Code, relating to the reservation of easements on the abandonment of county highways.

Referred to Committee on Transportation.

Assembly Bill No. 531—An act to amend Section 18006 of the Government Code, relating to moving expenses of state officers, agents and employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 653—An act to amend Section 10242 of the Government Code, relating to duties of the Legislative Counsel.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 929—An act to amend Section 28136 of the Government Code, relating to compensation for public services in counties of the thirty-sixth class.

Referred to Committee on Local Government.

Assembly Bill No. 931—An act to amend Section 13676 of the Education Code, relating to employees' leaves of absence.

Referred to Committee on Education.

Assembly Bill No. 972—An act to add Sections 3822.1 and 3822.2 to the Education Code, relating to the inclusion of certain elementary school districts in high school districts or in unified districts.

Referred to Committee on Education.

Assembly Bill No. 978—An act to amend Section 34080 of the Government Code, relating to proceedings altering city organization.

Referred to Committee on Local Government.

Assembly Bill No. 979—An act to repeal an act entitled "An act to provide for the incorporation of towns," approved April 19, 1856

(Chapter 133 of the Statutes of 1856), relating to the incorporation of towns.

Referred to Committee on Local Government.

Assembly Bill No. 980—An act to repeal Section 34610 of the Government Code, relating to the reorganization of cities of the sixth class.

Referred to Committee on Local Government.

Assembly Bill No. 981—An act to repeal Article 3, comprising Sections 35900 to 35914, inclusive, of Chapter 3, Part 2, Division 2, Title 4, of the Government Code, relating to consolidation of cities.

Referred to Committee on Local Government.

Assembly Bill No. 996—An act to amend Section 72 of the Labor Code, relating to the Industrial Welfare Commission.

Referred to Committee on Labor.

Assembly Bill No. 1190—An act to add Section 6604 to the Labor Code, relating to effect of refusal to work where order of Division of Industrial Safety is violated.

Referred to Committee on Labor.

Assembly Bill No. 1284—An act to add Section 603 to the Streets and Highways Code, relating to state highways.

Referred to Committee on Transportation.

Assembly Bill No. 1304—An act to amend Section 13661 of the Government Code, relating to the distribution of state publications.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1462—An act to amend Sections 631 and 631.5 of the Code of Civil Procedure, to amend Sections 28111, 28134, and 28149 of the Government Code, and to add Sections 28100 and 29619 to the Government Code, relating to juries.

Referred to Committee on Judiciary.

Assembly Bill No. 1869—An act to amend Sections 61, 124.5, 131, 379, 454.2, 681, and 750.5 and to add Sections 62.1, 449, and 617 to the Vehicle Code, relating to the powers and duties of the Departments of Motor Vehicles and the California Highway Patrol.

Referred to Committee on Transportation.

Assembly Bill No. 1888—An act to amend Section 18712 of the Government Code, relating to reports of the Personnel Board.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2020—An act to repeal "An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto," approved May 31, 1943.

Referred to Committee on Education.

Assembly Bill No. 2121—An act to amend Sections 3432 and 3462 of, and to add Sections 3432.1, 3432.2, 3432.3, 3462.1, 3462.2, and 3462.3 to, the Education Code, all relating to the formation of high school districts.

Referred to Committee on Education.

Assembly Bill No. 2249—An act to amend Section 1272 of the Agricultural Code, relating to report of sale by commission merchant, remittances, retention of records, payment by dealer, claims or credits.

Referred to Committee on Agriculture.

Assembly Bill No. 2414—An act to add Section 8004.5 to the Government Code, relating to the Commission on Interstate Cooperation and members thereof.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2843—An act to add Section 604 to, and to amend Section 540 of, the Vehicle Code, relating to traffic laws.

Referred to Committee on Transportation.

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which were referred:

Senate Bill No. 532

Senate Bill No. 609

Assembly Bill No. 893

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

DILLINGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Senate Bill No. 820

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

DILLINGER, Chairman

Above reported bill ordered to second reading

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which were referred:

Senate Bill No. 610

Assembly Bill No. 417

Senate Bill No. 833

Assembly Bill No. 892

Assembly Bill No. 416

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

DILLINGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which were referred:

Assembly Bill No. 336

Assembly Bill No. 1357

Assembly Bill No. 1749

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

DILLINGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which were referred:

Assembly Bill No. 419

Assembly Bill No. 420

Has had the same under consideration, and reports the same back with the recommendation: Re-refer to the Committee on Judiciary.

Committee membership 9; committee vote: Ayes 7; absent 2

DILLINGER, Chairman

Above reported bills re-referred to Committee on Judiciary.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Assembly Bill No. 1035

Assembly Bill No. 1036

Assembly Bill No. 1037

Assembly Bill No. 1038

Assembly Bill No. 1039

Assembly Bill No. 1040

Assembly Bill No. 1045

Assembly Bill No. 1046

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; absent 5.

WARD, Chairman

Above reported bills ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which were referred:

Assembly Bill No. 507

Assembly Bill No. 868

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

SUTTON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which were referred:

Assembly Bill No. 503

Assembly Bill No. 506

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

SUTTON, Chairman

Above reported bills ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 608

Senate Bill No. 1400

Senate Bill No. 969

Assembly Bill No. 567

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

HUGH M. BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Assembly Bill No. 1501

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 461

Senate Bill No. 464

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

HUGH M. BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 25, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 967

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 465

Senate Bill No. 965

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

HUGH M. BURNS, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 5.41 p.m., on motion of Senator Keating, the President declared the Senate adjourned until 9.30 a.m., Friday, April 29, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTY-FIRST LEGISLATIVE DAY

ONE HUNDRED SEVENTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, April 29, 1949

The Senate met at 9.30 a.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—32.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Kraft, on motion of Senator Keating, due to legislative business.

Senator Watson, on motion of Senator Keating, due to legislative business.

Senator Ward, on motion of Senator Keating, due to legislative business.

Senator Mayo, on motion of Senator Keating, due to legislative business.

Senator Reagan, on motion of Senator Keating, due to legislative business.

Senator Rich, on motion of Senator Swing, due to legislative business.

Senator Parkman, on motion of Senator Collier, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Kenneth Beck of San Luis Obispo and Mr. and Mrs. Al Erhart of Pismo Beach.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack Sterling of Fort Bragg.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lowell E. Jessen, publisher of Turlock Daily Journal and president of California Newspaper Publishers Association.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayor and Mrs. L. D. Taylor of Dunsmuir.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. R. B. von Kleinsmid of University of Southern California and McIntyre Faries of Los Angeles.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge James Snel of Nevada City, R. E. Deeble, County Clerk of Nevada County and Vernon Stoll, District Attorney of Nevada County.

COMMUNICATIONS

The following communications were received and read, and on motion of Senator Jespersen, ordered printed in the Journal, and the resolutions referred to the Committee on State and Local Taxation.

THE SENATE

LANSING 2, MICHIGAN, April 26, 1949

Hon. Goodwin J. Knight
President of the Senate
Sacramento, California

GOOD MORNING, MR. KNIGHT:

The Michigan Legislature, by adoption of the enclosed resolutions, has directed me to forward to you, as presiding officer of your Senate, a duly attested copy of House Concurrent Resolution No. 26, making application to the Congress for the calling of a convention to propose an amendment to the Constitution of the United States; and Senate Concurrent Resolution No. 18, requesting your Legislature to adopt the above resolution.

The Michigan Legislature requests that you place House Concurrent Resolution No. 26 before your Senate for consideration as soon as possible; if you are now in session, by immediate presentation; if not in session, by presentation at the next special or regular session.

May we have an acknowledgment of receipt of these resolutions?

Sincerely yours,

FRED I. CHASE
Secretary of the Senate

STATE OF MICHIGAN
MICHIGAN LEGISLATURE

SENATE CONCURRENT RESOLUTION No. 18

Offered by Senators Tripp, Bonine, Hittle, and Martin; and Representatives Anderson, Christman, Carroll, and Hutchinson

A concurrent resolution requesting the several states of the United States to adopt a resolution making application for a convention to propose an amendment to the Constitution relating to taxes

When in the course of human events it becomes evident that the Federal Government of the United States of America:

1. Has progressively invaded most of the lucrative fields of taxation.

2. Has multiplied its levies of taxes.
3. Has used the taxing power to bring about a veritable revolution in the economic structure of the Nation.
4. Has collected taxes far in excess of its just or reasonable needs.
5. Has utilized the excess tax revenues to create controlled doles to the states.
6. Has by such doles more and more completely controlled through a centralization of government the lives and affairs of the people.
7. Has created an ever increasing number of bureaus.
8. Has granted power to bureaucrats to make rules having the effect of law, and subjected the people to them.
9. Has created waste and fostered inefficiency in government.
10. Has, by inducement of matching funds, lured legislatures into participating in such waste.
11. Has depleted federal trust funds and thereby caused the need of new taxes to restore broken guarantees.
12. Has wasted, according to recent reports, 3 billions of dollars per annum by inefficient methods in civil government.
13. Has wasted more billions by permitting continued inefficiency and disunity in the operations of the armed forces.
14. Has fostered dissension and the creation of classes, special interests and pressure groups.
15. Has in large part destroyed the balance of government as created in and intended by the Constitution of the United States.

It becomes necessary for the state to take cognizance of the dangerous trends of government and utilize the safeguards in the Constitution provided for the states in the wisdom and forethought of the framers of the Constitution; and,

WHEREAS, The State of Michigan has adopted a resolution making application under Article V of the Constitution for the calling of a convention to propose to the states a specific amendment to the Constitution to limit taxing power and to return to the states a portion of money collected in federal taxation and to authorize the expenditure of such funds in fields in which the Congress has more and more invaded the states, thereby preventing further invasion of basic functions of the states and recapturing some functions heretofore lost; and,

WHEREAS, In order to exercise the rights and powers of the states under Article V it is necessary that a minimum of 32 states adopt an identical resolution in order to control the operation of such a convention when called; and,

WHEREAS, The Legislature of the State of Michigan has considered the various problems involved in the suggested procedure and has arrived at what it deems an acceptable resolution containing sufficient safeguards; and,

WHEREAS, If amendments thereto are adopted, the validity and effect of the entire proceedings may be jeopardized and brought to naught; and,

WHEREAS, Because of the foregoing, the Legislature of the State of Michigan believes the principles of government affected thereby and the purposes to be accomplished may be acceptable to at least two-thirds of the states; now, therefore, be it

Resolved, by the Legislature of the State of Michigan, That copies of this resolution be sent, together with copies of the resolution proposing a convention for the amendment of the Constitution, to all the Legislatures of the states of the Union, and that such states are hereby requested to adopt such resolution as written, in order that the principle of amendment by the states may be tested, to the end that the states may benefit from the proposals contained therein.

Adopted by a majority vote of the Senators-elect, April 11, 1949.

Adopted by a majority vote of the Representatives-elect, April 14, 1949.

FRED I. CHASE
Secretary of the Senate

NORMAN E. PHILLEO
Clerk of the House of Representatives

Resolution read, and re-referred to Committee on State and Local Taxation.

STATE OF MICHIGAN MICHIGAN LEGISLATURE

HOUSE CONCURRENT RESOLUTION No. 26

Offered by Representatives Anderson, Christman, Carroll and Hutchinson; and
Senators Tripp, Bonine, Hittle and Martin

A Concurrent Resolution Making Application to the Congress of the United States for the Calling of a Convention to Propose an Amendment to the Constitution of the United States

WHEREAS, Article V of the Constitution of the United States reads in part as follows: "The Congress * * * on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either

case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states—"; and

WHEREAS, The legislature of the state of Michigan, in view of the increasing tax problems of the state, caused in large part by the invasion of tax sources by the Federal Government, believes that its problems as well as the problems of other states similarly situated, can be solved only by some restraint upon present unrestrained exercise of the taxing power by the Federal Government; and

WHEREAS, The Federal Government is using and has been using for a number of years the taxing power to produce revenue beyond a legitimate necessity of a Federal Government, other than defense needs, and has been using the funds so raised to invade the province of legislation of the states and to appropriate in many fields that which amounts to a dole to the states of the money raised therefrom to accomplish many purposes, most of them worthy, but by the described process making the money available only under conditions which result in a control by the Federal Government from centralized agencies in Washington, in many cases unfit, and in other cases unable to administer the laws according to the local needs because of varying conditions in the country as a whole; resulting in inequities in the administration of the very benefits purported to be granted; and

WHEREAS, State and local needs are disadvantaged because the people are already taxed far beyond the real need for any purpose other than forcing the centralization of all government in Washington; and

WHEREAS, The framers of the Constitution of the United States clearly foresaw the possibility of a condition similar to that herein described, and made provision in the Constitution for safeguarding the states against any oppression or invasion of rights by the federal government; therefore be it

Resolved by the legislature of the state of Michigan, That said legislature, hereby and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States:

ARTICLE

Section 1. The power to levy taxes and appropriate the revenues therefrom heretofore granted to the Congress by the states in the several articles of this Constitution is hereby limited.

Sec. 2. This article shall be in effect except during a state of war, hereafter declared, when it shall be suspended. The suspension thereof shall end upon the termination of the war but not later than three months after the cessation of hostilities, whichever shall be earlier. The cessation of hostilities may be declared by proclamation of the President or by concurrent resolution of the Congress or by concurrent action of the legislatures of 32 states.

Sec. 3. Notwithstanding the provisions of Article V, this article may be suspended for a time certain or amended at any time by concurrent action of the legislatures of three-fourths of the states.

Sec. 4. There shall be set aside in the treasury of the United States a separate fund into which shall be paid 25 percent of all taxes collected by authority derived from the Sixteenth Amendment to this Constitution, except as provided in Section 5, and 25 percent of all sums collected by the United States from any other tax levied for revenue.

Sec. 5. There shall be set aside in the treasury of the United States a separate fund into which shall be paid all sums received from taxes levied on personal incomes in excess of 50 percent thereof and from taxes levied on income or profits of corporations in excess of 38 percent thereof.

Sec. 6. Before paying any sums into the funds created by Sections 4 and 5 hereof, the treasurer of the United States shall deduct therefrom 20 percent which shall be used in payment of the principal of the national debt of the United States.

Sec. 7. No tax shall hereafter be imposed on that portion of the incomes of individuals which does not exceed, in the case of unmarried persons the sum of \$600 per annum, and in the case of married persons the sum of \$1,200 per annum jointly. A minimum deduction of \$600 per annum shall be allowed for each dependent.

Sec. 8. The treasurer of the United States shall once in each year, from the separate fund created by Section 4 hereof, pay to each of the several states one-fourth of 1 percent of said fund and from the remainder of said fund shall pay to each state a portion of such remainder determined by the population of each state in ratio to the entire population of the several states according to the last federal decennial census or any subsequent general census authorized by law.

Sec. 9. The treasurer of the United States shall, from the separate fund created by Section 5 hereof, pay to each state, once in each year, a sum equal to the amount of money in such fund which was collected from persons or corporations within such state.

Sec. 10. Any sums paid hereunder to the several states shall be available for appropriation only by the legislatures thereof. The legislatures may appropriate therefrom for any purpose not forbidden by the constitutions of the

respective states and may appropriate therefrom for expenditures within the states for any purpose for which appropriations have heretofore been made by the Congress except such purposes as are specifically reserved by this Constitution for the exclusive power of the Congress. The people of each state may limit the expenditures of funds herein made available to the legislature, but shall not direct the appropriation thereof.

Sec. 11. Each legislature shall have power by rule or resolution to provide for the assembly thereof in special sessions for the purpose of considering amendments to, the suspension of or the ratification of amendments proposed to this article.

Sec. 12. Each legislature shall have power to elect one or more persons to represent such legislature in any council or convention of states created by concurrent action of the legislatures of 32 states for the purpose of obtaining uniform action by the legislatures of the several states in any matters connected with the amendment of this article.

Sec. 13. The Congress shall not create, admit or form new states from the territory of the several states as constituted on the first day of January, 1949, and shall not create, form or admit more than three states from the territories and insular possessions under the jurisdiction of the United States on the first day of January, 1949, or from territory thereafter acquired without the express consent of the legislatures of three-fourths of the several states.

Sec. 14. On and after January 1, 1949, the dollar shall be the unit of the currency. The gold content of the dollar as fixed on January 1, 1949, shall not be decreased.

Sec. 15. Concurrent action of the legislatures of the several states as used herein shall mean the adoption of the same resolution by the required number of legislatures. A limit of time may be fixed by such resolution within which such concurrent action shall be taken. No legislature shall revoke the affirmative action of a preceding legislature taken therein.

Sec. 16. During any period when this article is in effect the Congress may, by concurrent resolution adopted by two-thirds of both houses wherein declaration is made that additional funds are necessary for the defense of the nation, limit the amount of money required by this article to be returned to the several states. Such limitation shall continue until terminated by the Congress or by concurrent action of a majority of the legislatures of the several states. Upon termination of any such limitation the Congress may not thereafter impose a limitation without the express consent by concurrent action of a majority of the legislatures of the several states.

Sec. 17. This article is declared to be self-executing.

and be it further

Resolved, That attested copies of this concurrent resolution be sent to the presiding officers of each House of the Congress and to each member of the Michigan delegation in Congress, and that printed copies thereof, showing that said concurrent resolution was adopted by the legislature of Michigan, be sent to each House of each legislature of each state of the United States; and be it further

Resolved, That this application hereby made by the legislature of the state of Michigan shall constitute a continuing application in accordance with Article V. of the Constitution of the United States until at least two-thirds of the legislatures of the several states shall have made similar applications pursuant to said Article V; and be it further

Resolved, That since this is an exercise by a state of the United States of a power granted to it under the Constitution, the request is hereby made that the official journals and Record of both Houses of Congress, shall include the resolution or a notice of its receipt by the Congress, together with similar applications from other states, so that the Congress and the various states shall be appraised of the time when the necessary number of states shall have so exercised their power under Article V of the Constitution; and be it further

Resolved, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part the legislature of the state of Michigan interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions; and be it further

Resolved, That the legislature of the state of Michigan does not, by this exercise of its power under Article V, authorize the Congress to call a convention for any purpose other than the proposing of the specific amendment which is a part hereof;

nor does it authorize any representative of the state of Michigan who may participate in such convention to consider or to agree to the proposing of any amendment other than the one made a part hereof; and be it further

Resolved, That by its actions in these premises, the legislature of the state of Michigan does not in any way limit in any other proceeding its right to exercise its power to the full extent; and be it further

Resolved, That the Congress, in exercising its power of decision as to the method of ratification of the proposed article by the legislatures or by conventions, is hereby requested to require that the ratification be by the legislatures.

Adopted by a majority vote of the Representatives-elect, April 7, 1949.

Adopted by a majority vote of the Senators-elect, April 11, 1949.

FRED I. CHASE
Secretary of the Senate

NORMAN E. PHILLEO
Clerk of the House of
Representatives

I, F. M. Alger, Jr., Secretary of State of the State of Michigan, do hereby certify that Fred I. Chase and Norman E. Philleo, whose names are subscribed to the foregoing concurrent resolution, were at the time of such subscription the duly qualified Secretary of the Senate and Clerk of the House of Representatives of the State of Michigan respectively, and as such officers authorized to execute said concurrent resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State at the Capitol, in the City of Lansing, this twentieth day of April, A. D. 1949.

[SEAL]

F. M. ALGER, JR., Secretary of State

Resolution read, and re-referred to Committee on State and Local Taxation.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 114

Senate Bill No. 607

Senate Bill No. 1018

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 29, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 792

Senate Bill No. 1449

Senate Concurrent Resolution No. 49

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 29, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1562

Senate Constitutional Amendment No. 2

Senate Constitutional Amendment No. 7

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 280

Senate Bill No. 515

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:
Senate Bill No. 685

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:
Senate Bill No. 625

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 1331

Assembly Bill No. 646

Senate Bill No. 1622

Assembly Bill No. 651

Assembly Bill No. 377

Assembly Bill No. 652

Assembly Bill No. 2374

Assembly Bill No. 1381

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 191—An act to amend Sections 5911, 5931, 5932, 7003, and 7791.5, to add Sections 5911.5, 7103.5, 7208.5, and 7208.7 and Article 1.5, consisting of Sections 7031 to 7038, inclusive, to Chapter 1 of Division 9, all of the Elections Code, relating to elections, including provisions relating to ballots and absent voting.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 162—An act to amend Section 2540 of the Elections Code, relating to parties qualified to participate in a primary election.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1250—An act to add Chapter 8, comprising Sections 5500 to 5656, inclusive, to Part 3, Division 5, of the Health and Safety Code, to provide for the formation, organization and operation of districts for sewerage disposal, water development, and related purposes within the counties of the State.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 4, line 43, of the printed bill, preceding the period, insert "or the city council as the case may be".

Amendment No. 2

On page 5, line 28, of said bill, following "domestic", insert "industrial, irrigation, power, recreation, flood control, navigation, fish and wild life conservation".

Amendment No. 3

On page 6 of said bill, between lines 25 and 26, insert "5546.7. Immediately after the completion of any acquisition, construction or improvement under this act, the engineer shall prorate the entire cost thereof against all real property in the district in such manner as may in the opinion of the engineer provide an equitable distribution of costs. In no event shall any owner of property be permitted to connect to such sewerage or water system without first paying or agreeing in writing to pay either in a lump sum or by installments the prorated charge placed against said property by the engineer. All sums paid by property owners who subsequently are permitted to connect with such system shall be available for the payment of any indebtedness incurred in connection with such acquisition, construction or improvement, and in the event there is no such indebtedness, all sums so paid shall be refunded to the owners of property connected with such system in the proportion that the cost against owners of property bears to the entire cost of such acquisition, construction or improvement."

Amendment No. 4

On page 7, line 36, of said bill, following "labor", insert "not to exceed two thousand dollars (\$2,000)".

Amendment No. 5

On page 7 of said bill, following line 52, insert "5557.1. Wages paid in accordance herewith shall conform to requirements of Section 1771 of the Labor Code."

Amendment No. 6

On page 8 of said bill, between lines 8 and 9, insert "5558.1. Whenever any land which is under jurisdiction of the State Lands Commission is selected by a district for a right of way, the board thereof must transmit to the State Lands Commission a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 532—An act to amend Section 5254 of the Welfare and Institutions Code, relating to the hearing of petitions for the commitment of mentally deficient persons and epileptic persons who are not insane.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 609—An act to add Section 5710 to the Welfare and Institutions Code, relating to information, records, and a directory concerning private institutions licensed by the Department of Mental Hygiene.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 820—An act to amend Section 251 of the Unemployment Insurance Act, relating to disability benefits to persons confined in hospitals.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 17, of the printed bill, strike out the period, and insert "; and provided further, that no waiting period shall be required of any disabled individual who is entitled to double benefits under this section."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 610—An act to repeal Sections 219, 220, and 221 of the Welfare and Institutions Code, relating to the registration of charities.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 833—An act to amend Section 252 of, and add Section 400.1 to the Unemployment Insurance Act, relating to unemployment compensation disability benefits.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 608—An act to amend Section 2175 of the Business and Professions Code, relating to persons authorized to practice medicine and surgery in institutions under the jurisdiction of the Department of Mental Hygiene.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

Strike out lines 1 to 4, inclusive, of the title of the printed bill, and insert

"An act to amend Section 2176 of the Business and Professions Code, relating to persons authorized to practice medicine and surgery at the Veterans' Home of California."

Amendment No. 2

Strike out lines 1 to 19, inclusive, of said bill, and insert

"SECTION 1. Section 2176 of the Business and Professions Code is hereby amended to read as follows:

2176. Subject to the provisions of the State Civil Service Act, any person who is licensed to practice medicine and surgery in any other state, and who is a graduate of a medical school approved by the Board of Medical Examiners in this State, may be appointed to the medical staff of the Veterans' Home of California. Until such person has secured a physician's and surgeon's certificate as provided in this chapter, he must not engage in the practice of medicine in this State, except that he shall be entitled to treat only the members of the Veterans' Home of California, on the staff of which he has been appointed under the provisions of this section."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 969—An act to amend Section 9516 of the Business and Professions Code, relating to exemption of hotels from provisions of Chapter 18, Article 1 of said code.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1 of the printed bill, after "9516", insert ", and to repeal Section 9543".

Amendment No. 2

On page 1 of the printed bill, in line 2 of the title, after "relating to", strike out the remainder of line 2 and all of line 3, and insert "the practice of cleaning and dyeing".

Amendment No. 3

On page 1, line 10, of the printed bill, following "stained", strike out the remainder of the line including the period and all of line 11, and insert ": nor to any hotel or resident club that renders any cleaning, dyeing, spotting, sponging, or pressing service for their guests or employees only."

Amendment No. 4

On page 1 of the printed bill, following line 11, insert

"SEC. 2. Section 9543 of the Business and Professions Code is repealed."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 1400—An act to amend Section 5227 of, and to add Sections 5227.1 and 5286.1 to, the Business and Professions Code, relating to outdoor advertising.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "Sections 5227.1 and 5286.1", and insert "Section 5227.1".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 461—An act to add Section 12011.6 to, and to amend Sections 12024.5 and 12211 of, the Business and Professions Code, relating to containers and commodities therein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 464—An act to amend Sections 20767 and 20773 of the Business and Professions Code, relating to motor fuel pump inspection and license fees.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 967—An act to amend Section 18711 of, and to add Section 18753 to, the Business and Professions Code, relating to boxing and wrestling.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 2, line 18, of the printed bill, as amended in Senate April 22, 1949, strike out "first".

Amendment No. 2

On page 2, lines 18 and 19, of said bill, strike out "the participants or their representatives and".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 465—An act to amend Sections 20951 and 20952 of, and to add Section 20982 to, the Business and Professions Code, relating to petroleum products inspection and enforcement.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 20806 and".

Amendment No. 2

On page 1 of the printed bill, between lines 22 and 23, insert

"SEC. 3. A new section, to be numbered 20806, is added to the Business and Professions Code, to read:

20806. Every person who buys, sells, offers for sale, or who stores lubricating oil or motor oil which is required by Section 20801 to be labeled "reclaimed motor oil" or "lubricating oil, reclaimed", shall make and keep for one year a separate record of each such purchase, sale or storage.

Said record shall include the name and address of the person from whom such oil was purchased or to whom such oil was sold, together with the date of such purchase or sale and the quantity thereof in terms of the United States gallon or a binary submultiple of the gallon.

All records required by this section shall be open at all times during business hours to inspection by an official authorized to enforce the provisions of this chapter. Refusal or failure to keep such records or to permit the inspection thereof is a misdemeanor.

The provisions of this section do not apply to the retail sale of such oil in quantities of five gallons or less to any one person."

Amendment No. 3

On page 1, line 23, of said bill, strike out "SEC. 3." and insert

"SEC. 4."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 965—An act to amend Section 4256 of the Business and Professions Code, relating to fees charged by the California State Board of Pharmacy, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "may be"; and strike out all of lines 6 and 7, and insert "is five dollars (\$5) for each pharmacy."

Amendment No. 2

On page 1, line 9, of said bill, strike out "may be fixed by the board at not less than", and insert "is".

Amendment No. 3

On page 1, line 10, of said bill, strike out "nor more than fifteen dollars (\$15)".

Amendment No. 4

On page 1 of said bill, strike out line 23, and insert "of eight dollars (\$8)."

Amendment No. 5

On page 1 of said bill, after line 26, insert

"(k) The annual fee for a hyponotic license is five dollars (\$5)."

(l) The annual fee for an analytical toxicologist is ten dollars (\$10)."

Amendment No. 6

On page 2, line 1, of said bill, strike out "(k)", and insert "(m)".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 901—An act to amend the title and Section 3 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 424—An act to amend Section 4702 of the Labor Code, relating to death benefits.

Bill read second time, and ordered to third reading.

Assembly Bill No. 155—An act to amend Section 4650 of the Labor Code, dealing with workmen's compensation.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Labor:

Amendment No. 1

On page 1, line 8, of the printed bill, after the word "injury", insert "becomes permanent or the date of last payment for temporary disability, whichever date first occurs."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 258—An act to amend Section 4701 of the Labor Code, relating to workmen's compensation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 893—An act to add Section 3451 to the Welfare and Institutions Code, relating to the blind.

Bill read second time, and ordered to third reading.

Assembly Bill No. 416—An act to add Section 638.1 to the Welfare and Institutions Code, relating to the duties of probation officers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 417—An act to amend Section 871 of the Welfare and Institutions Code, relating to support of wards of the juvenile court.

Bill read second time, and ordered to third reading.

Assembly Bill No. 892—An act to amend Section 3447 of the Welfare and Institutions Code, relating to the blind.

Bill read second time, and ordered to third reading.

Assembly Bill No. 330—An act to add Section 729 to the Welfare and Institutions Code, relating to the detention of minors by peace officers and probation officers when such detention is necessary for the health and welfare of such minors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 2, line 9, of the printed bill, strike out the word "or" after the word "care", and insert a comma.

Amendment No. 2

On page 2, line 10, of said bill, strike out the word "and" after "treatment", and insert a comma; and after the word "hospitalization" insert ", or other remedial care".

Amendment No. 3

On page 2, line 12, of said bill, strike out the word "or" after "treatment", and insert a comma; and after the word "hospitalization" insert ", or other remedial care".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1357—An act to amend Section 1767.5 of the Welfare and Institutions Code, relating to the care of paroled persons.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 8, of the printed bill, as amended in the Assembly March 30, 1949, after the comma insert "but not to exceed forty-five dollars (\$45) per month".

Amendment No. 2

On page 1, line 9, of said bill, after "home", insert ", except that the Department of Finance may approve higher rates in exceptional cases".

Amendments read, and adopted

Bill ordered printed, and to third reading.

Assembly Bill No. 1749—An act to amend Sections 6726 and 7012.5 of the Welfare and Institutions Code, relating to the support of mental patients in boarding homes, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1 of the printed bill, strike out line 10, and insert "patient is cared for at such private home at a rate not exceeding sixty dollars (\$60) per month for each such patient."

Amendment No. 2

On page 1 of the printed bill, strike out lines 11 and 12, and insert "Payments".

Amendment No. 3

On page 2 of the printed bill, strike out line 3, and insert "cared for at such private home at a rate not exceeding sixty dollars (\$60) per month for each such patient."

Amendment No. 4

On page 2 of the printed bill, strike out lines 4 and 5, and insert "Payments for such".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1035—An act to add Title 2, comprising Sections 15001 to 15700, inclusive, and Section 100002 to the Corporations Code, relating to partnerships and matters incidental thereto, consolidating and revising the law relating thereto, and repealing certain acts and parts of acts specified therein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1036—An act to add Title 4, comprising Sections 25000 to 26104, and Section 100005 to the Corporations Code, thereby codifying and repealing the Corporate Securities Act, and consolidating and revising the law relating to securities as defined therein, the prevention of fraud in the sale thereof, and the regulation and supervision of companies, brokers, agents, and investment counsel in relation thereto by the Commissioner of Corporations and the Division of Corporations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1037—An act to add Division 2, comprising Sections 27000 to 27203, inclusive, to Title 4 of, and Section 100006 to the Corporations Code, thereby codifying, consolidating, and revising the law relating to solicitation and collection of funds from security owners and holders for the protection, enforcement, or representation of their rights, providing for regulation and supervision by the Commissioner of Corporations of the solicitation, collection, and application of such funds, and requiring persons and organizations to obtain certificates from him prior to engaging in such solicitation and collection, and repealing the act codified therein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1038—An act to add Division 3, comprising Sections 28000 to 28501, inclusive, to Title 4 of and Section 100007 to the Corporations Code, thereby codifying and repealing the Retirement Systems Act, and consolidating and revising the law relating to the establishment of retirement systems to provide benefits in respect to the retirement or death of members thereof, and to licensing and supervision of such retirement systems by the Commissioner of Corporations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1039—An act to add Division 4, comprising Sections 29000 to 29201, inclusive, to Title 4 of and Section 100008 to the Corporations Code, thereby codifying and revising the law relating to certain transactions in respect to securities and commodities defined

therein as bucketing and bucket shopping, prohibiting the keeping of bucket shops, making or offering to make contracts or sales constituting bucketing, and other acts preliminary or incidental thereto, requiring the keeping of records or books of account and the furnishing of statements of facts by persons making purchases or sales of securities or commodities, and fixing penalties for violations thereof, and repealing the act so codified.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1040—An act to amend Section 25154 of the Corporations Code, relating to acts permitted to be performed by or in behalf of corporations prior to the issue of any shares.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1045—An act to amend Sections 25009, 25101, and 26003 of the Corporations Code, relating to securities, the prevention of fraud in the sale thereof, and the regulation and supervision of companies, brokers, agents, and investment counsel in relation thereto by the Commissioner of Corporations and the Division of Corporations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1046—An act to amend Section 26104 of the Corporations Code, relating to securities, the prevention of fraud in the sale thereof, and the regulation and supervision of companies, brokers, agents, and investment counsel in relation thereto by the Commissioner of Corporations and the Division of Corporations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 507—An act to amend Section 395.1 of the Military and Veterans Code, relating to reemployment rights of persons who leave or have left employment to join the armed forces.

Bill read second time, and ordered to third reading.

Assembly Bill No. 868—An act to amend Sections 1261 and 1262 of the Military and Veterans Code, relating to veterans' affairs.

Bill read second time, and ordered to third reading.

Assembly Bill No. 503—An act to amend Section 985 of the Military and Veterans Code, relating to veterans' farm and home purchases.

Bill read second time, and ordered to third reading.

Assembly Bill No. 506—An act to add Section 984 to Article 3, Chapter 6, Division 4 of the Military and Veterans Code, relating to farm and home purchases.

Bill read second time, and ordered to third reading.

Assembly Bill No. 567—An act to amend Section 6535 of the Business and Professions Code, relating to barber colleges.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 6535", and insert "Sections 6535 and 6545".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, after line 17, insert

"SEC. 2. Section 6545 of said code is amended to read:

6545. Any person is qualified to receive a certificate of registration to practice barbering if he complies with each of the following:

(a) He is qualified under the provisions of Section 6546 of this chapter.

(b) He is at least eighteen years of age.

(c) He is of good moral character and temperate habits.

(d) He has practiced as a registered apprentice for a period of [eighteen] fifteen months under the immediate personal supervision and employment of a registered barber.

(e) He has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering.

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board, shall continue to practice as an apprentice for an additional six months under the immediate personal supervision and employment of a registered barber, before he is again entitled to take the examination."

Amendments read, and adopted.

Bill ordered printed and re-referred to Committee on Business and Professions.

Assembly Bill No. 1501—An act to add Section 2144.5 to the Business and Professions Code, relating to persons and acts exempted from the State Medical Practice Act, Chapter 5 of Division 2 of the Business and Professions Code.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out the word "written", and the words "duly licensed".

Amendment No. 2

On page 1, line 7, of the printed bill, strike out the words "physician and surgeon" and insert "persons duly licensed under this chapter."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 29, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Resolution No. 90

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Request for Unanimous Consent

Senator Dorsey asked for, and was granted, unanimous consent to take up Senate Resolution No. 90, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 90

Relative to continuing powers of the Senate Standing Committee on Institutions

WHEREAS, The Senate Committee on Institutions was by Senate Resolution No. 55, constituted an investigating committee pursuant to Rule 12.5 and Senate Resolution No. 24 of the 1949 Regular Session and continued by Senate Resolution No. 74, authorized to act during this session of the Legislature, including any recess but not after final adjournment, with authority to file final report not later than April 30, 1949; and

WHEREAS, It appears that additional time will be required for further possible hearings, correllation of the materials submitted at the hearings, the preparation of the final report and the adoption of recommendations pertaining to the subject of the investigation by this committee; now, therefore, be it

Resolved, by the Senate of the State of California, That the said Senate Committee on Institutions is authorized to so act during this session of the Legislature including any recess and until May 30, 1949, with authority to file its final report not later than that date.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, O'Gara, Powers, Salsman, Sutton, Swing, and Williams—22.

NOES—None.

MOTION TO RE-REFER ASSEMBLY BILLS NOS. 892, 893, AND 1749

Senator Breed moved that Assembly Bills Nos. 892, 893, and 1749 be re-referred to Committee on Finance.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS****Consideration of Assembly Amendments**

Senate Bill No. 874—An act to repeal Section 52 of, and to add Section 52 to, the County Water District Act and to repeal Section 30062 of, and to add Section 30062 to, the Water Code, relating to inclusion of lands.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 874?

Amendment No. 1

In line 2 of the title of the printed bill, after "Act", insert "and to repeal Section 30062 of, and to add Section 30062 to, the Water Code".

Amendment No. 2

On page 1, line 1, of said bill, strike out "act cited in the title hereof", and insert "County Water District Act".

Amendment No. 3

On page 1 of said bill, after line 12, insert

"SEC. 2. Section 30062 of the Water Code is repealed and a new section is added to said code, to be numbered 30062 and to read as follows:

30062. All land which is now privately owned and situate within the exterior boundaries of any district, but which was public land of the United States or of this State at the time of the formation of the district and has not heretofore been added to the district is hereby added to the district. The Legislature hereby finds and determines that all of the land is and will be benefited by the formation, existence and operation of the district.

SEC. 3. Section 2 of this act becomes operative only if Division 12 of the Water Code is enacted by the Legislature at its 1949 Regular Session, and in such case at

the same time as said Division 12 takes effect; at which time Section 52 added to the County Water District Act by this act is repealed."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 874 by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, McBride, Miller, O'Gara, Powers, Salsman, Swing, and Williams—24.

NOES—None.

Above bill ordered enrolled.

Senator Salsman Presiding

At 10.20 a.m., Senator Byrl R. Salsman of the Eighteenth District, presiding.

Consideration of Assembly Amendments

Senate Bill No. 217—An act to add Section 3720.1 to the Political Code and to add Section 54903.1 to the Government Code, relating to the creation, and changes of boundaries, of school districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 217?

Amendment No. 1

In line 1 of the title of the printed bill, after "Code", insert "and to add Section 54903.1 to the Government Code".

Amendment No. 2

On page 1 of said bill, after line 12, insert

"SEC. 2. Section 54903.1 is added to the Government Code, to read:

54903.1. When a statement of the creation or change of boundaries of a school district and a map or plat thereof is required to be filed with the State Board of Equalization, the authority required to file the statement and map or plat shall, at the same time, file a copy of the statement and map or plat with the Superintendent of Public Instruction.

SEC. 3. Section 2 of this act becomes operative only if Title 5 of the Government Code is enacted by the Legislature at its 1949 Regular Session, and in such case at the same time as said Title 5 takes effect, at which time Section 3720.1 of the Political Code is hereby repealed."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 217 by the following vote:

AYES—Senators Abshire, Breed, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, McBride, Miller, O'Gara, Powers, Salsman, and Williams—24.

NOES—None.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Bill No. 792—An act authorizing suits against the State of California to quiet title against it as to certain real property situated in the County of Modoc, State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, McBride, Miller, O'Gara, Powers, Salsman, Swing, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1449—An act to amend Section 737r of the Political Code, relating to salary of the judge of the Superior Court of Lassen County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, McBride, Miller, O'Gara, Powers, Salsman, Tenney, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1018—An act to amend Section 28129 of the Government Code, and to amend Section 429 of the Education Code, relating to counties and increasing the salaries of certain county officials.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, McBride, Miller, O'Gara, Powers, Salsman, Swing, Tenney, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1413—An act authorizing suits against the State to quiet title against it to swamp or overflowed lands by certain persons entitled to the benefits of Section 7523 of the Public Resources Code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, McBride, O'Gara, Powers, Swing, Tenney, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTIONS TO RECONSIDER

Senate Bill No. 1377—An act to amend Section 11000 of the Business and Professions Code, relating to real estate subdivisions.

Postponement of Motion to Reconsider

Senator Breed moved that his motion to reconsider the vote whereby Senate Bill No. 1377 was passed be continued until the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Miller, O'Gara, Powers, Salsman, Swing, Tenney, and Williams—28.

NOES—None.

MOTIONS TO RECONSIDER

Assembly Bill No. 608—An act to amend Sections 271.2, 304, 307, 311, and 332 of the Vehicle Code, relating to the licensing of drivers of motor vehicles.

Postponement of Motion to Reconsider

Senator Desmond moved that his motion to reconsider the vote whereby Assembly Bill No. 608 was passed be continued until the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, McBride, Miller, O'Gara, Powers, Salsman, Swing, Tenney, and Williams—28.

NOES—None.

UNFINISHED BUSINESS (RESUMED)**Consideration of Assembly Amendments**

Senate Bill No. 1330—An act to add Section 450.1 to the California Unemployment Insurance Act, relating to disability insurance, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1330?

Amendment No. 1

On page 1, line 20, of the printed bill, as amended in the Senate on March 18, 1949, after "agent", insert "or a majority of workers regularly paid through such central place or places, or both,".

Amendment No. 2

On page 2, line 44, of said bill, strike out "rotational", and insert "interchangeable".

Amendment No. 3

On page 2, line 46, of said bill, strike out "rotational", and insert "interchangeable".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1330 by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Miller, O'Gara, Powers, Salsman, Swing, Tenney, and Williams—28.

NOES—None.

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT

Senator Keating asked for, and was granted, unanimous consent to have Assembly Bills Nos. 1098, 1101, 1102, 1103, 1104, and 1111 passed on file and retain their place on file until the next legislative day.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 323

Senator Dillinger moved that Assembly Bill No. 323 be withdrawn from Committee on Social Welfare for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 323—An act to amend Section 41.5 of the California Unemployment Insurance Act, relating to transfer of employers' reserve accounts.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 1, of the printed bill, after "41.5", insert "(a)".

Amendment No. 2

On page 2 of said bill, strike out lines 33 to 52, inclusive, and insert

"(c) As used herein the term 'joint venture' means a separate employing unit which has been organized by two or more employers to accomplish a contract or project or series of contracts or projects and is wholly owned by such employers. Upon dissolution of a joint venture the separate account, actual contribution and benefit experience and pay rolls of such joint venture shall be apportioned among the participating employers in proportion to the participation of each such employer, and the portion thereof of each shall be transferred to each such employer for the purpose of determining its rate of contribution after such dissolution, with the same effect for such purpose as if the applicable portion of the operations of such joint venture had at all times been carried on by such employer. Such portion of such separate account shall be transferred by the commission to each such employer and as of the date of such dissolution shall become the separate account or part of the separate account, as the case may be, of such employer and the benefits thereafter chargeable to such joint venture on account of employment relating to such joint venture prior to the date of such dissolution shall be charged to the separate accounts of such employers in proportion to their participation in the joint venture. Any such joint venture shall promptly notify the commission of its dissolution.

The provisions of this subsection shall apply to dissolutions occurring prior as well as subsequent to the effective date of this subsection, provided that notice of any such prior dissolution shall have been given to the commission within one hundred twenty days after the effective date of this subsection, and provided further any transfer in respect to any such prior dissolution shall not affect any rate of contribution for any period prior to January 1, 1950.

(d) A change in contribution rate caused by a transfer of all or a portion of the separate account, actual contribution and benefit experience and pay rolls shall not become effective earlier than the beginning of the calendar quarter next succeeding the effective date of such transfer.

SEC. 2. If at any time the Federal Security Administrator, or any other competent authority, determines that the provisions of subsection (c) of Section 41.5 as added to the Unemployment Insurance Act by the 1949 Regular Session of the California Legislature, are not in conformity with the provisions of Title III of the Social Security Act or Sections 1601, 1602, or 1603 of the Internal Revenue Code, then such subsection (c) of Section 41.5 shall be nonoperative during such period of nonconformity."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill No. 607—An act to amend Sections 195, 196, and 197 of, and to repeal Section 195.5 of the Vehicle Code, relating to chattel mortgages on registered vehicles.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2055—An act to add Section 18714 to the Government Code, relating to adjustment of state employee grievances.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dillworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2063—An act to amend Section 18803 of the Government Code, relating to the reclassification of state employees.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dillworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2064—An act to amend Section 18850 of the Government Code, relating to the adjustment of salary ranges in the state civil service.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dillworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2066—An act to amend Section 18902 of the Government Code, relating to civil service eligible lists.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dillworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 3099—An act to amend Section 13226 of the Education Code, and to add Sections 14002.1 and 14002.2 to said code, relating to the health of public school employees.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Busch, Collier, Crittenden, Cunningham, Dillworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, McBride, O'Gara, Powers, Sutton, Swing, Tenney, and Williams—23.

NOES—Senators Abshire, Coombs, Desmond, Dillinger, Miller, and Salsman—6.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1755—An act to amend Section 6500.3 of the Welfare and Institutions Code, relating to the state institution for epileptics, and for mentally defective physically handicapped persons.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 34 Relative to memorializing the President and the Congress of the United States in relation to securing the release of film industry assets frozen in foreign countries.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 2018—An act to add Article 5, comprising Sections 16400 to 16405, inclusive, to Chapter 2, Part 2, Division 4, Title 2 of the Government Code, and to repeal Section 13923 of the Government Code, relating to revolving funds and advances.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 992—An act to amend Section 1558 of the Probate Code, relating to distribution of surplus income of insane or incompetent persons.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 600—An act to amend Sections 35 and 515.1; to repeal Sections 35.5 and 620.5 of : and to add Sections 620.5 and 670.1 to the Vehicle Code, relating to speed limit applicable to and equipment required on motor-driven cycles.

Bill read third time, and presented by Senator Collier.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 918—An act to amend Sections 828.15 and 829.5 of the Agricultural Code, relating to containers for fruits, nuts and vegetables.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 903—An act to amend Section 123.55 of the Agricultural Code, relating to intercounty nursery stock certificates.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hulse, Jespersen, Johnson, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 904—An act to add Section 1045 to the Agricultural Code, relating to fertilizing materials.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 905—An act to amend Sections 1010 and 1011 of the Agricultural Code, relating to spray residue.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Keating, McBride, Miller, Powers, Salsman, Sutton, Swing, Tenney, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 906—An act to amend Sections 914, 914.5, 915.1, 915.5, 916.1, 917.5 of, to repeal Section 917.6 of, and to add Sections 913.1

and 918.1 to the Agricultural Code, relating to agricultural and vegetable seeds.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 920—An act to amend Section 108 of the Agricultural Code, relating to the control or eradication of pests.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, April 29, 1949

*To the Honorable Members of the Senate
State of California, Sacramento, California*

GREETINGS: I am returning herewith, without my signature,

Senate Bill No. 656, entitled: "An act to amend Section 6303 of the Public Resources Code, relating to state lands, granting privileges with respect thereto."

My objections to this bill are as follows:

It was intended by this measure to permit the State Lands Commission to allow any contractor to have sand, gravel, or other spoils dredged from state lands without paying a royalty when such dredging was done in connection with the execution of a contract with the Federal Government for dredging navigable streams. Unfortunately the language of the bill is so broad as to permit the State Lands Commission to authorize such taking by any person having such a contract whether such taking is in connection with the execution of the contract or not.

Because this authority to the State Lands Commission was not intended, I have been requested on behalf of the commission, which sponsored the bill, to return it without my signature.

Respectfully submitted,

EARL WARREN, Governor

Request for Unanimous Consent

Senator Brown asked for, and was granted, unanimous consent to take up Senate Bill No. 656, at this time, for consideration of Governor's veto.

CONSIDERATION OF SENATE BILL NO. 656

Senate Bill No. 656—An act to amend Section 6303 of the Public Resources Code, relating to state lands, granting privileges with respect thereto.

CONSIDERATION OF GOVERNOR'S VETO

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 656 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Keating, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Swing, Tenney, and Williams—28.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 29, 1949

*To the Honorable Members of the Senate
State of California, Sacramento, California*

GREETINGS: I am returning herewith, without my signature,

Senate Bill No. 1118, entitled: "An act to amend Section 28143 of the Government Code, relating to compensation for public services in counties."

My objections to this bill are as follows:

The author of this measure has called my attention to an inadvertent error in the measure under which it will not carry out the intention desired.

At the author's request I am returning it without my signature.

Respectfully submitted,

EARL WARREN, Governor

Request for Unanimous Consent

Senator Sutton asked for, and was granted, unanimous consent to take up Senate Bill No. 1118, at this time, for consideration of Governor's veto.

CONSIDERATION OF SENATE BILL NO. 1118

Senate Bill No. 1118—An act to amend Section 28143 of the Government Code, relating to compensation for public services in counties.

CONSIDERATION OF GOVERNOR'S VETO

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 1118 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Keating, McBride, Miller, Powers, Salsman, Sutton, Swing, Tenney, and Williams—26.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 924—An act to add Section 1276 to the Agricultural Code, relating to the disposition and use of moneys derived from provisions of said code, pertaining to produce dealers and processors.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Keating, McBride, Miller, Powers, Salsman, Sutton, Swing, Tenney, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1793—An act to amend Sections 822, 823, 827, 839, 257, and 858 of the Insurance Code, relating to the issue of securities by insurers.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Keating, McBride, Miller, Powers, Salsman, Sutton, Swing, Tenney, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1794—An act to amend Section 12400 of the Insurance Code, relating to title insurers.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh B. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Keating, McBride, Miller, Powers, Salsman, Sutton, Swing, Tenney, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 98—An act to amend Sections 26822, 26826, 26828, 26829, 26834, 26838, 26841, 26848, and 26852 of, to repeal Section 26835 and to add Section 26849.1 to, the Government Code, relating to the fees of county clerks.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Johnson, Keating, McBride, Miller, Powers, Salsman, Sutton, Swing, Tenney, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 917—An act to amend Section 6420 of the Streets and Highways Code, relating to improvement assessments and bonds.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Johnson, Keating, McBride, Miller, Powers, Salsman, Sutton, Swing, Tenney, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Assembly Bill No. 977—An act to amend Sections 1631, 2311, and 5709 of the Welfare and Institutions Code, relating to the local control and regulation of certain institutions, boarding homes and other places caring for children, the aged and the insane.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Hugh M. Burns, Michael J. Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Johnson, Keating, McBree, Miller, Powers, Salsman, Sutton, Swing, Tenney, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1287—An act to amend Sections 2135 and 2287 and to repeal Sections 2230 and 2231 of, and to add Sections 2191.6 and 2232 to, the Business and Professions Code, relating to drugless practitioners and relating to applications to the Board of Medical Examiners of the State of California for physician's and surgeon's certificate.

Bill read third time, and presented by Senator Swing.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried. Time 12.35 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 677

Senator Williams moved that Senate Bill No. 677 be withdrawn from Committee on Fish and Game for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 677—An act to add Section 1159 to the Fish and Game Code, relating to the establishment of cooperative hunting areas.

Bill read second time.

Motion to Amend

Senator Williams moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill as amended in Senate April 20, 1949, strike out lines 3 to 7, inclusive, and insert

"1159. To provide added protection for land owners and lessees from depredations of trespassers and to provide greater access for the public to hunt on privately owned or controlled lands, the commission may contract with the owners or lessees of lands where upland game birds exist for the establishment of cooperative hunting areas upon such terms as the respective parties may agree subject to the following conditions."

Amendment No. 2

On page 1, line 13, of said bill, after "owner", insert "or lessee".

Amendment No. 3

On page 1 of said bill, strike out lines 16 to 24, inclusive, and insert

"The commission may establish rules and regulations for the management and control of such areas during the regular open seasons on upland game birds, provided that such rules and regulations shall not conflict with or modify the provisions of this code or its orders of the commission made pursuant to Sections 14 to 19.6 thereof. The owners or owner or lessees or lessee of a cooperative hunting area may collect a daily fee not to exceed two dollars (\$2) per day per area from each permit hunter.

As used in this section, the words "upland game birds" mean the order of Gallinae as enumerated in Section 1174 of this code."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 29: By Senators Dilworth, Sutton, O'Gara, Busch, Coombs, Desmond, Gibson, and Tenney—Relative to supplemental direct loans to veterans.

Referred to Committee on Military and Veterans Affairs.

MOTION TO AMEND SENATE BILL NO. 901 AND RE-REFER TO COMMITTEE ON SOCIAL WELFARE

Senator Dillinger moved that Senate Bill No. 901 be taken up at this time for the purpose of amendment and be re-referred to Committee on Social Welfare.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 901—An act to amend the title and Section 3 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate April 15, 1949, strike out "Section 3 of the Unemployment Insurance Act", and strike out all of line 2 of said title, and insert "to repeal Sections 56, 58, 101, 101.5, 101.6, 101.8, and 101.9, to renumber Section 57.7, to amend and renumber Section 57.5, and to amend the title and Sections 1, 3, 13, 53, 54, 56.6, 57, 67, 86, 92, 100, and 201 of the Unemployment Insurance Act, and to add Sections 57.2, 57.3, 59, 84, and 103 thereto."

PRINTER'S NOTE—There being no 7-point knockout type available, the material which should appear in knockout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, after line 16, insert

"Sec. 4. Section 1 of the California Unemployment Insurance Act is amended to read:

Section 1. [As a guide to the interpretation and application of this act the public policy of this State is declared as follows:

Experience has shown that large numbers of the population of California do not enjoy permanent employment by reason of which their purchasing power is unstable. This is detrimental to the interests of the people of California as a whole.

The benefit to all persons resulting from public and private enterprise is realized in the final consumption of goods and services. It is contrary to public policy to permit the supply of consumption goods and services at prices which do not provide against that harm to the population consequent upon periods of unemployment of those who contribute to the production and distribution of such goods and services.

Experience has shown that private charity and local relief cannot alone prevent the effects of unemployment. Experience has shown that if the State awaits the coming of excessive unemployment it can neither create immediately the organization necessary to orderly, economical and effective relief nor bear the financial burden of

relief without disrupting its whole system of ordinary revenues and without jeopardizing its credit.

The Legislature therefore declares that in its considered judgment the public good and the general welfare of the citizens of the State require the enactment of this measure under the police power of the State, for the compulsory setting aside of funds to be used for a system of unemployment insurance, providing benefits for persons unemployed through no fault of their own, and to reduce involuntary unemployment and the suffering caused thereby to a minimum.

It is the intent of the Legislature that unemployed persons claiming unemployment insurance benefits shall be required to make all reasonable effort to secure employment on their own behalf.]

As a guide to the interpretation and application of this act the public policy of this State is declared to be as follows:

Experience has shown that, in the best of business circumstances, there is a considerable number of workers in California who do not enjoy permanent, continuous employment. In periods of high business activity, such unemployment as there is, which is neither by the choice nor the fault of the persons unemployed is what may be called "frictional" unemployment resulting from the need for continuous readjustment of the labor force to variations in industry loads and to constantly changing business requirements. The cause of frictional unemployment is not so much the lack of work opportunities as it is the lag between the ending of one employment and the finding of the next.

Experience has shown that, as business recedes from a high point of activity, job opportunities shrink, which condition causes another kind of unemployment. Unemployment from lack of work due to business recession contracts purchasing power which leads to further shrinkage of work opportunities, which interaction, if not arrested, leads to mass unemployment.

Experience has further shown that failure to reduce the lag period between successive periods of employment which causes frictional unemployment may reduce purchasing power enough to start the spiral of progressive shrinkage of purchasing power and work opportunities which leads to mass unemployment.

Experience has also shown that there are many persons who normally work and so are not covered by workmen's compensation insurance.

Any kind of unwanted unemployment is demoralizing to the individual and a loss of purchasing power to the economy of the State. Mass unemployment is a disaster not only to the unemployed but to everyone else. It is contrary to public policy to permit the supply of consumption goods and services at prices which do not provide for means to prevent the harm to the population and the economy which results from periods of unemployment of those who contribute to the production and distribution of such goods and services.

Experience has shown that the resources of private charity and local relief do not alone prevent the ill effects of progressive unemployment. Experience has shown that, if the State awaits the coming of mass unemployment, it cannot create immediately the organization necessary to orderly, economical and effective relief of those in distress, and that the cost of mass relief is much greater than the cost of preventing mass unemployment.

The Legislature therefore declares that in its considered judgment the public good and general welfare of the citizens of the State require the enactment of this measure under the police power of the State, to stabilize employment by providing: for the establishment of a state operated system of free public employment offices to reduce frictional unemployment by assisting employers to find needed workers and by assisting the unemployed to find work; for the establishment of a system of unemployment insurance, based on compulsory contributions by employers, to provide partially against loss of wages by persons able to work and available for work who are unemployed through no choice or fault of their own; and for the establishment of a system of disability insurance, based on compulsory contributions by employees, to provide partially against loss of wages by persons unemployed because of illness or disability.

It is the considered judgment of the Legislature that the first line of defense against progressive unemployment is the reduction of frictional unemployment in times of good business by finding work for the unemployed, and it is the intent of the Legislature that the free public employment service established by this act shall be the most important phase of this employment stabilization program.

It is the intent of the Legislature that the unemployment insurance program shall be in truth an insurance and not a relief program, that its benefits shall be payable only to regular workers who are able and willing to work and who are actively seeking work on their own behalf, and that in no case shall the amount of benefits payable be a sufficient portion of a worker's normal average earnings to be an inducement not to work. It is not intended that the number of payments payable to an individual in any one year, nor, that the size of the insurance reserve fund shall be such as would cover relief needs in an extended period of mass unemployment, but only that they shall be sufficient to lessen the hardships due to loss of wages in a limited period of unemployment and that they shall offset the loss of purchasing power so as to prevent mass unemployment.

It is the intent of the Legislature that the unemployment disability program shall lessen the hardships due to loss of wages in time of illness or disability to the

same extent and for the same length of time as provided for the able unemployed by unemployment insurance.

SEC. 5. Section 92 of said act is amended to read:

SEC. 92. [In addition to all other powers granted and duties imposed by this act, the commission] *It is the opinion of this Legislature that the most desirable way to stabilize employment is by getting jobs for unemployed people, and, it is, therefore, the intent of this Legislature that the primary function of the Department of Employment is the placing of people in jobs, and that the service rendered to employers seeking workers and to people seeking work shall be reasonably comparable to that provided by a successful private placement agency. To this end, among other appropriate activities, the department:*

(a) Shall establish, maintain and operate adequately staffed public employment offices for men, women and juniors who are legally qualified to engage in gainful occupations and shall maintain a veterans' placement service to be devoted to securing work for veterans and a farm placement service to promote the placement and clearance of agricultural labor, and a youth placement department to promote the placement of youth in suitable fields of employment; provided, however, that the commission is not required to maintain a farm placement service if and during such time as applicable federal laws provide for a system of farm labor placement financed from federal funds which is separate and apart from the general system of public employment offices. Adequate records and statistics on all the classifications above mentioned shall be compiled and kept by the employment service, and a report of such records, statistics, applications and placements shall be made semiannually.

(b) Shall inform employers and job seekers of its placement facilities through adequate public information efforts, solicit job orders from employers and solicit applications for jobs from the general public as well as from claimants for unemployment insurance; and in doing so, the department shall use personal calls, telephone calls, advertising, publication or any other means calculated to produce the most effective results per dollar of cost.

(c) May promulgate such rules as it finds desirable for the registration of unemployed persons, and for placing them in available employment. To this end it may accept financial contributions from any governmental unit or agency, or private person.]

(c) Shall accept any job order, regardless of specifications contained therein and regardless of whether or not such job is, in its opinion, substandard in pay or conditions of work, except if such job is open by reason of a trade dispute or if the services to be performed or the terms or conditions of employment are contrary to federal, state or local law, and shall inform any qualified applicant of the existence of such job opening; provided, that, if a job applicant is a claimant for benefits and refuses a referral to such job, the department shall thereafter determine whether such job constitutes suitable work.

(d) Shall require an applicant to furnish reasonable evidence of his qualifications to perform each kind of work for which he applies before he is considered as being qualified to perform such work.

(e) Shall, except when a referral to a job is immediately available, create, for each job applicant, a record which contains, in addition to any other necessary information which the director shall prescribe, the applicant's name, address, telephone number and social security account number, if any, signature and a designation of each kind of work he is qualified to perform up to not less than three such designations in order of his qualifications and preference, and shall maintain such record in an alphabetical file by applicants' names; provided, however, that, if an applicant is not a claimant for benefits, the department shall not be required to keep his application record beyond thirty days from the date of his last communication with the department.

(f) Shall provide adequate means for continuous cross-reference of job orders with qualifications of applicants, and shall, when the qualifications of two or more applicants for any one job appear equal, and after giving effect to priority due veterans because of any federal, state or local law, give preference in referral in accordance with the following factors in order: (1) Their usual occupation, (2) their preferences and (3) priority of their filing applications.

(g) Shall request each employer who has a job order on file to notify the department when the job opening concerned has been filled, and request notification by an applicant when he is no longer seeking work.

(h) Shall, whenever an applicant who is also a claimant for benefits has been disqualified for benefits because of his refusal of a particular job opening in suitable work if, and as long as, such job is the only job suitable for such applicant for which the department has a job order, continue to offer that same job to that same applicant each week until the job order has been filled, each refusal of such job opening to be considered as being an additional refusal of suitable work.

(i) Shall require that its local offices effect a reasonable exchange with each other, of information relative to the supply of specific classes of labor in their respective territories, and to specific unfilled job orders on hand, and require each local office to offer to applicants suitable work in the territory of another office when such work is not available in its own territory, even though an applicant who refuses to apply for such work may not be subject to disqualification for benefits by reason of his refusal of such an offer.

(j) May promulgate such rules as it finds desirable for the registration of unemployed persons, and for placing them in available employment, and to this end, may accept financial contributions from any governmental unit or agency, or private persons.

(k) If any provision of this section shall be found not to conform to federal requirements for eligibility for federal grants for administration of the employment service, such provision shall not be effective to the extent of such nonconformance.

SEC. 6. Section 84 is added to said act, to read:

SEC. 84. In addition to all other powers granted and duties imposed by this act, the director may create unemployment districts and other territorial subdivisions for the proper administration of the act.

SEC. 7. Section 57 of said act is amended to read:

SEC. 57. (a) It is the intent of the Legislature: That the California unemployment insurance program shall be in fact an insurance and not a relief program; that eligible persons shall receive unemployment insurance benefits as a matter of right and not of need; that unemployment insurance benefits shall be payable only to unemployed persons who have had earnings of not less than specified amounts within and over a specified prior period, in work for which wages are payable under this act, and so whose employers have, in effect, paid their "insurance premiums" for them, and that it shall be like "term insurance" in that, if a person stops work for long enough, his insurance shall run out. It is not intended that such benefits shall be paid to persons who are not truly attached to the labor market or who do not really want to work during their unemployment, or to persons who cause their own unemployment and so are not properly insurable risks. The provisions of this section and of Sections 58 and 59 give specific effect to this legislative intent.

(b) An unemployed individual shall be eligible to receive unemployment insurance benefits with respect to any week only if [the commission finds that]:

[(a)] (1) He has certified that he was unemployed within the meaning of this act and has made a claim for benefits with respect to such week [has been made] in accordance with such regulations as the commission director may prescribe.

[(b)] (2) He has registered [for work, and thereafter continued to report] and asked for employment at a public employment office or such other place as the [commission] director may approve, stating the nature of each kind of work he is qualified by experience to perform and offering reasonable evidence of his competence to perform each such kind of work; and has thereafter continued to report as directed by the department at such public employment office; except that either or both of the requirements of this subdivision may be waived or altered by authorized relation as to partially employed individuals attached to regular jobs:

[(c)] (3) He was able to work and available for work throughout such week; provided that, if he has removed his residence to a place which is beyond reasonable travel from any place where his usual or last previous kind of work is performed or his usual or last previous kind of work is of a seasonal nature which is not then being performed in the locality, he shall not be considered available for work if he restricts the kind of work he will accept to his usual or last previous kind of work; and provided further that a pregnant woman shall not be considered, for the purposes of this act, as being able to work after her seventh month of pregnancy until eight weeks after the termination of such pregnancy;

[(d)] (4) He has been unemployed for a waiting period of one week with respect to which no benefits were payable; provided that no week shall be counted as a week of unemployment for the purposes of such waiting period:

(i) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits, provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment, and provided further that the week immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year shall be deemed (for the purposes of this subsection only) to be within such benefit year as well as within the preceding benefit year:

(ii) If benefits have been paid with respect thereto;

(iii) Unless the individual was eligible for benefits with respect thereto in all respects, except for the requirements of this subsection (4) and Section 53.

(5) He has during his base year been paid wages for employment by one or more subject employers of not less than [three] six hundred dollars [300] (\$600) provided, however, that, if the total of such base period wages is not equal to one and one-half times the greatest amount of such wages paid in any calendar quarter of such base year, he shall not be eligible for benefits unless the total of such base-period wages is not less than forty times his weekly benefit amount.

(6) He has presented convincing evidence that he has, during such week, made a reasonable effort in good faith in seeking employment on his own behalf by following a course of action which is reasonably designed to result in his prompt reemployment in suitable work, considering the customary methods of obtaining work in his usual occupation, or for which he is suited; provided that, if the department finds that, in a particular locality, the prospects of claimants within a particular occupation or class for finding employment outside the public employment service are so remote that any effort in seeking work other than by registration as provided in subparagraph (2) of this subdivision would be useless to the claimant and burdensome

to employers, then such registration by the claimant shall be considered a reasonable effort in seeking work on his behalf.

SEC. 8. Section 57.5 of said act is amended and renumbered to read:

Sec. [57.5.] 57.1. An individual shall not be eligible for benefits on account of unemployment for any week or *part of any week*, with respect to which [or a part of which] he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to unemployment benefits, the provisions of this section shall not apply.

SEC. 9. Section 57.2 is added to said act, to read:

Sec. 57.2. An unemployed individual shall not be eligible for unemployment insurance benefit payments if:

(1) He has left his most recent subject employment because of a trade dispute which is still in active progress in the establishment in which he was employed; or

(2) He has left subject employment prior to his most recent subject employment because of a trade dispute which is still in active progress in the establishment in which he had such prior employment, except if he shall present proof that he has, by a positive act of his own, severed his connection with the establishment in which he had such prior employment and irrevocably surrendered any seniority or other right to reemployment by such establishment he might otherwise have had on termination of such trade dispute.

(3) He has voluntarily left his last subject employment to be married or because of duties connected with marriage or to join his spouse at some other place of residence until he has earned one hundred dollars (\$100) in subject employment occurring subsequent to the date of such voluntary leaving.

SEC. 10. Sections 56 and 58 of said act are repealed.

SEC. 11. Section 57.3 is added to said act, to read:

Sec. 57.3. If an unemployed individual has been determined by the department to be ineligible for unemployment insurance benefit payments pursuant to the provisions of this section or has been disqualified for such payments by the department pursuant to Section 59, and if, thereafter, such determination or disqualification has been reversed on appeal, he shall be entitled to receive such benefit payments for any week in which he received no benefit payment while the appeal was pending only if, during such week, he has acted as would have been required of him to be eligible for such benefit payments if there had been no such determination of ineligibility or disqualification.

SEC. 12. Section 201 of the Unemployment Insurance Act is amended to read:

Sec. 201. "Disability" or "disabled" includes both mental or physical illness and mental or physical injury. An individual shall be deemed disabled in any week in which, because of his physical or mental condition, he is unable to perform his regular or customary work; provided, however, that [in no case shall the term "disability" or "disabled" include any injury or illness caused by or arising in connection with pregnancy up to the termination of such pregnancy and for a period of four weeks thereafter], *if a pregnant woman is unemployed within the period beginning with the end of the seventh month of pregnancy and ending eight weeks after the termination of such pregnancy, but not to exceed a total of 16 weeks, she shall be deemed disabled, but, beyond such period the term "disability" or "disabled" shall in no case include any injury, illness or other incapacity caused by or arising in connection with pregnancy.*

SEC. 13. Section 57.7 of said act is renumbered to become Section 58.

SEC. 14. Section 59 is added to said act, to read:

Sec. 59. An unemployed individual who is otherwise eligible shall be disqualified for unemployment insurance benefit payments:

(a) If he has left his most recent subject employment:

(1) Voluntarily—that is, without there having been a material change in the desirability of his employment which was directly attributable to the employer, or his having had a compelling reason beyond his choice or control; or

(2) By reason of discharge for misconduct—that is, for misconduct connected with his work or directly affecting his desirability as an employee; in either of which circumstances his period of disqualification shall be for six weeks; provided, however, that he shall be presumed not to have left voluntarily or by reason of discharge for misconduct if he so states, and if the department has no evidence to the contrary, unless his most recent subject employer, or any subject employer by whom he was employed in his base period, shall have mailed or delivered to the department a written notice to the contrary, setting forth such facts as are necessary to establish a prima facie case in support thereof; and provided further that, if such notice is mailed or delivered within five days from the date on which notice of the filing of his claim for unemployment insurance benefits shall have been mailed to his most recent subject employer by the department, any period of disqualification pursuant to this paragraph shall be from and including the first week for which such benefits would otherwise have been payable to him, but, if the mailing or delivery of such notice is

delayed beyond such five days, and the claimant is not disqualified for fraud in connection with any claim in question, any such period of disqualification shall be from and including the week in which such delayed notice is received by the department, and any payments made to him prior to such delayed notice shall not be considered as overpayments and shall be charged to the reserve account of one or more employers in his base period as provided in Section 41;

(b) If, at any time prior to his most recent subject employment, he has left voluntarily, or has been discharged for misconduct from, subject employment which at the time of separation could reasonably have been expected to continue indefinitely, and has thereafter accepted subject employment in one or more instances which could reasonably have been expected at the time of acceptance to be temporary, for the purpose of becoming eligible and avoiding disqualification for unemployment insurance benefits, in which circumstances he shall be considered, and his case shall be treated as if he had left voluntarily, or been discharged for misconduct from, his most recent subject employment; provided, further, that, in the circumstances described in this subsection, it shall be a presumption that he has acted to bring about such circumstances for the purpose of becoming eligible and avoiding disqualification for unemployment insurance benefits.

(c) If he has refused to accept suitable employment when offered to him or failed to apply for suitable employment when notified by a public employment office, he shall be disqualified for benefits for a period of four weeks for each such occurrence, such period to be in addition to any disqualification for any other reason, and, if there be more than one such occurrence, the disqualification resulting from each instance shall not be cumulative, but shall be for four weeks from the date of the last such instance; provided that, if such individual has been separated by reason of a temporary layoff, wherein the employer has expressed his intent to reemploy him at the termination of such layoff, he shall not be considered within the first four weeks after such separation as having so refused or failed if the job in prospect is other than temporary.

(d) If he has been found by the department to have used profane or obscene language to, or to have threatened or perpetrated violence on, any employee of the department, or to have been guilty of a breach of the peace on the premises of the department, he shall be disqualified for benefits for a period of four weeks from the week of occurrence or from the expiration of any unexpired period of disqualification previously incurred for each occurrence, and, if there be more than one such occurrence, the disqualification resulting from each instance shall be cumulative.

(e) If he is disqualified under subsection (a), (b), or (c) of this section:

(1) He shall, throughout the period of disqualification, be required to report weekly to the office of the department in which his claim is on file and certify that, during the prior benefit week, he has acted in the same manner as would be required of him to be eligible for benefits if he had not been so disqualified, and, if, in any week, he fails so to report and certify, each such failure shall extend the total elapsed time of the disqualification period by one week, but no such added week shall operate to reduce the maximum amount of benefits payable to him; and

(2) His acceptance of employment during such disqualification shall reduce the elapsed time of his period of disqualification by the number of weeks worked up to the total period of disqualification and, during such employment, he shall be relieved of the requirements of subparagraph (1) of this subsection.

(f) If he has wilfully made a false statement or a misrepresentation of a fact which is pertinent to a determination of his eligibility to receive, or disqualification for, benefits under any of the provisions of this act, or has wilfully failed to report a material such pertinent fact, or if, for the purpose of obtaining benefits, he has wilfully followed a course of action designed to discourage prospective employers from hiring him:

(1) If such is found by the department, he shall be disqualified for benefits for a period of one year from date of such wilful action; and

(2) If such is proved by his conviction of a criminal charge by a court of competent jurisdiction, he shall be disqualified permanently from the date of such wilful action; provided, however, that, after three years from the date of such wilful action, further disqualification because of such action may be removed by the court in which such conviction was had.

Sec. 15. Section 13 of said act is amended to read:

Sec. 13. [(a) "Suitable employment" means work in the individual's usual occupation or for which he is reasonably fitted, regardless of whether or not it is subject to this act.

In determining whether the work is work for which the individual is reasonably fitted, the commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence. Any work offered under such conditions is suitable if it gives to the individual wages at least equal to his weekly benefit amount for total unemployment.

In any particular case in which the commission finds it impracticable to apply one of the foregoing standards, the commission may apply any standard set by it which is reasonably calculated to determine what is suitable employment.

(b) Notwithstanding any other provisions of this act, no work or employment shall be deemed suitable and benefits shall not be denied to any otherwise eligible and qualified individual for refusing new work under any of the following conditions:

(1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.] *"Suitable employment"* is defined, for purposes of this act, as follows:

(a) During the first four consecutive weeks in which an individual is unemployed, *"suitable employment"* means work in the individual's usual occupation or a closely related occupation at a rate of pay not substantially less than the rate prevailing in the locality for newly-hired employees of approximately equal skill in such work, regardless of whether or not it is subject to this act.

(b) After an individual has been unemployed for four consecutive weeks *"suitable employment"* means work in any occupation for which he is reasonably fitted, regardless of whether or not it is in his usual occupation or closely related thereto, and regardless of whether or not it is subject to this act; provided that it does not entail unreasonable risk of damage to his health, safety or morals, or an unreasonable amount of uncompensated time or difficulty in travel from his residence to the location of the work; and provided further that it gives him wages at least equal to his weekly benefit amount for total unemployment.

(c) Notwithstanding any other provisions of this act, no work or unemployment shall be deemed suitable and benefits shall not be denied to any otherwise eligible and qualified individual for refusing new work under any of the following conditions:

(1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

SEC. 16. Section 53 of said act is amended to read:

Sec. 53. The maximum amount of benefits payable to an individual during any one benefit year shall be 26 times his weekly benefit amount; provided, that in no case shall the total amount of benefits payable be more than one-half the total wages paid such individual during his base period; and provided further, that if such benefit is not a multiple of one dollar (\$1) it shall be computed to the next higher multiple of one dollar (\$1); and provided further, that the maximum amount of benefits otherwise payable to any individual shall be decreased, whenever he is disqualified under the provisions of subdivision (b) or (c) of Section 59 of this act, by an amount equal to the product of the total number of weeks of such disqualification multiplied by his weekly benefit amount.

Sec. 17. Section 100 of said act is amended to read:

Sec. 100. [Information obtained in the course of administration of this act shall be held confidential and shall not be published or open to public inspection in any manner except as provided in Section 97 or to acquaint a worker or his duly authorized agent with his then existing or prospective right to benefits, or to furnish an employer or his duly authorized agent with information to enable him to fully discharge his obligations or safeguard his rights under the act, or to secure a reduction in contribution rate. Any commissioner or employee of the department who violates any provision of this section shall be guilty of a misdemeanor.] *It is a misdemeanor under this act or, a felony if any other law of this State so provides:*

(a) Wilfully to make to the department a false statement or a misrepresentation of a fact which is pertinent to a determination of eligibility to receive, or disqualification for, benefits under any provision of this act, or wilfully to fail to report a material such fact to the department, in the course of any action related or intended to relate to the obtaining of benefits;

(b) On the part of any claimant, for the purpose of obtaining benefits, wilfully to follow a course of action designed to discourage prospective employers from hiring him;

(c) Wilfully to make a false statement or misrepresentation of a pertinent fact or wilfully to fail to report a material such fact to obtain, increase, reduce or defeat any benefit or payment under the provisions of this act, whether for the maker or for any other person or for the purpose of lowering or avoiding any contribution required of the maker or any other person under the act or to avoid becoming or remaining subject to this act;

(d) On the part of any employing unit or any officer or agent of an employing unit to make a greater deduction from the wages of a worker than the contribution required of such worker under this act, for the purpose of paying any contribution under this act;

(e) On the part of any employing unit or any officer or agent of an employing unit wilfully and unlawfully to fail to appear or to testify or to produce books, papers, and records, required at any hearing under this act;

(f) On the part of any employing unit or any officer or agent of an employing unit, wilfully and unlawfully to fail or neglect to make available required records for the inspection of the commission or its authorized representatives at any reasonable time during business hours;

(g) On the part of any employing unit, or any officer or agent of an employing unit, wilfully and unlawfully to fail or neglect to furnish to the commission reports required by it when necessary for the enforcement of this act;

(h) On the part of any employing unit or any officer or agent of an employing unit or any individual to connive or conspire to aid such individual to obtain unemployment insurance to which such individual is not entitled by the wilful withholding of information or by the wilful failure to report any relevant information [...];

(i) On the part of any person wilfully to fail or refuse to make any contributions to the unemployment fund which are due under this act;

(j) On the part of any person wilfully to violate any provision of this act or any rule or regulation promulgated or published by the commission in accordance with this act;

(k) On the part of the executive officer, general manager, or any other person having charge of the affairs of a corporation or association, wilfully to fail to register such corporation or association as an employing unit, or wilfully to fail to submit contribution return, earnings reports, or other returns and reports required by this act, or the rules and regulations of the commission;

(l) On the part of any employing unit, including any individual member of a partnership employing unit, and any officer of a corporate employing unit having knowledge thereof, to withhold the deductions required by Section 44 of this act from remuneration paid to its workers, or wilfully to fail, or to be financially unable, to pay such deductions to the unemployment fund before the date on which the same become delinquent; and

(m) On the part of any commissioner or employee of the department to disclose, in any manner, any information obtained in administering this act, except as provided in Section 97 or, except to acquaint a worker or his duly authorized agent with his then existing or prospective right to benefits, or except to furnish an employer or his duly authorized agent with information to enable him to discharge fully his obligations or safeguard his rights under this act or to secure a reduction in contribution rate, or to furnish an employer, if the employer so requests, with the address and telephone number, if any, of any applicant who has registered for a job with the department, provided it is not disclosed whether or not he is also a claimant for benefits.

SEC. 18. Section 101 of said act, as it now exists, is repealed.

SEC. 19. Section 101.5 of said act, as it now exists, is repealed.

SEC. 20. Section 101.6 of said act, as it now exists, is repealed.

SEC. 21. Section 101.8 of said act, as it now exists, is repealed.

SEC. 22. Section 101.9 of said act, as it now exists, is repealed.

SEC. 23. Section 56.6 of said act is amended to read:

Sec. 56.6. In order to encourage cooperation between this State and other states in the enforcement of the unemployment insurance law of each state and to further coordinate the nation-wide system of unemployment insurance in the United States and its territories the following provisions are enacted.

(a) The courts of this State shall recognize and enforce liabilities for unemployment contributions imposed by other states which extend a like comity to this State.

The Attorney General is hereby empowered to commence action in any other jurisdiction by and in the name of the commission to collect unemployment contributions, penalties and interest legally due this State. The officials of other states which extend a like comity to this State are empowered to sue for the collection of such contributions in the courts of this State. A certificate by the Secretary of State under the Great Seal of the State that such officers of the department as designated by the commission have authority to collect the unemployment contributions shall be conclusive evidence of such authority.

(b) It [shall be] is a misdemeanor under this act or, a felony if any other law of this State so provides, for any person residing in this State:

(1) Wilfully to make a false statement or a misrepresentation of a fact which is pertinent to a determination of eligibility to receive, or disqualification for, benefits or payments under the provisions of the unemployment insurance law of any other state [...], or wilfully to fail to report a material such fact; and

(2) On the part of any claimant, for the purpose of obtaining benefits under the provisions of the unemployment insurance law of any other state, wilfully to follow a course of action designed to discourage prospective employers from hiring him.

(c) The Attorney General is authorized to commence action in this State as agent for and on behalf of any other state to enforce judgments and liabilities for unemployment insurance taxes or contributions due such other state which other state extends a like comity to this State.

SEC. 24. Section 103 is added to said act, to read:

Sec. 103. If a person has obtained one benefit payment by a criminal violation of any provision of this act, or of any regulation duly adopted by the commission in

accordance with the provisions of this act, it shall be prima facie evidence that he has obtained any subsequent such payment in the same uninterrupted series of payments also by such a criminal violation.

SEC. 25. Section 86 of said act is amended to read:

Sec. 86. *To the end that the provisions of this act are more adequately and strictly enforced, there shall be created [under the Division of Public Employment Offices and Benefit Payments] within the Department of Employment, and responsible directly to the director, a [field investigating staff (whether separate from or a part of any existing bureau, section or unit relating to investigation and fraud control),] separate section, to be known as the Investigation Section, which shall be made up of at least fifty units of personnel of whom at least thirty-five shall be qualified investigators, whose functions shall [embrace investigation] be to investigate, throughout the State, [of] all violations of this act [, to the end that the provisions of this act are more adequately and strictly enforced,] by people not employed by the department, to report to the director any evidence it may incidentally uncover of violations by people employed by the department, and to prepare evidence for submission to proper authorities for criminal prosecutions for all such violations.*

The costs of this section shall be paid from the several special administrative funds available to the department in the proportion of the expense devoted to each program for which each such special fund is available.

SEC. 26. Section 67 of said act is amended to read:

Sec. 67. (a) Claims for benefits shall be made in accordance with authorized regulations[.]; provided, however, that no claim shall be made or accepted which would result in the establishment of a new benefit year which would begin before the expiration of a benefit year previously established by or for the same claimant. Except as hereinafter otherwise provided, benefits shall be paid promptly if the claimant is found eligible or denied promptly if the claimant is found ineligible.

(b) A notice of the filing of a new or additional claim shall be given to the employing unit which is subject to this act by which the claimant was [last] most recently employed.

(c) Upon receipt of notice of the filing of a new or additional claim, or at any time thereafter, the employing unit so notified shall , and any of the claimant's base-period employers may, submit any facts then known, or which thereafter become known, which may affect the eligibility of the claimant for benefits.

(d) The facts submitted by an employer pursuant to subsection (c) shall be considered and a determination made as to the eligibility of the claimant for benefits. The claimant and any employer who prior to the determination has submitted any facts or given any notice relating to such claim required under this act or authorized regulations shall be promptly notified of the determination and the reasons therefor and may appeal therefrom to a referee within seven days from mailing or personal service of notice of the determination, whichever is the later, provided that said seven days may be extended for good cause.

(e) Upon the filing of a new claim for benefits, a computation on the claim shall promptly be made, which shall set forth the maximum amount of benefits potentially payable during the benefit year [and], the weekly benefit amount [.] and the maximum amount potentially chargeable to the reserve account of each of the claimant's base-period employers. The claimant shall be notified promptly of the computation, and notice of the computation shall be given or mailed to each of the claimant's base-period employers not less than one week before the payment of any benefits chargeable to his reserve account.

(f) Upon the receipt of notice of the computation, the claimant and any base-period employer so notified may protest the accuracy of the computation. Any such protest shall be considered and a determination as to the accuracy of the computation made thereon. The claimant and the base-period employer submitting the protest shall be promptly notified of the determination and may appeal therefrom in the manner prescribed in subsection (d) hereof.

(g) Upon the receipt of notice of the computation, any base-period employer so notified shall submit any facts then known which he was not previously required to submit under subsection (c) which may affect the eligibility of the claimant for benefits. A determination shall be made thereon and the claimant and the base-period employer submitting the facts shall be promptly notified of the determination and the reasons therefor. An appeal therefrom may be taken in the manner prescribed in subsection (d) hereof.

(h) Any computation or determination provided for in this section may for good cause be reconsidered by the department prior to the filing of an appeal therefrom. Notification of any reconsidered determination shall be given promptly to the claimant and any employer or employing unit which received notification, under subsections (b) and (e) of this section, of the claim, the determination on which is being reconsidered, and the claimant or employer may appeal therefrom in the manner provided herein for appeals from other determinations.

(i) Notices, protests, and information required under this section shall be submitted in accordance with authorized regulations.

SEC. 27. Section 54 of said act is amended to read:

Sec. 54. An individual's "weekly benefit amount" shall be the amount appearing in Column B in the table set forth in this section on the line of which in Column A of such table there appears the wage bracket containing the amount of wages paid to such individual for employment by employers during the quarter of his base period in which such wages were the highest.

A Amount of wages in highest quarter		B Weekly benefit amount
[\$75.00]	\$150.00-\$199.99	\$10
[219.99]	200.00- 219.99	11
[220.00- 239.99]	216.00- 232.99	12
[240.00- 259.99]	233.00- 250.99	13
[260.00- 279.99]	251.00- 269.99	14
[280.00- 299.99]	270.00- 289.99	15
[300.00- 319.99]	290.00- 310.99	16
[320.00- 339.99]	311.00- 332.99	17
[340.00- 359.99]	333.00- 355.99	18
[360.00- 379.99]	356.00- 380.99	19
[380.00- 419.99]	381.00- 407.99	20
[420.00- 459.99]	408.00- 436.99	21
[460.00- 499.50]	437.00- 467.99	22
[500.00- 539.99]	468.00- 500.99	23
[540.00- 579.99]	501.00- 535.99	24
[580.00 and over]	536.00- 572.99	25
	573.00- 611.99	26
	612.00- 653.99	27
	654.00- 699.99	28
	700.00- 749.99	29
	750.00 and over	30"

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 12.40 p.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 1287 passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Hugh M. Burns, Michael J. Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Johnson, Keating, McBride, Miller, Powers, Salsman, Sutton, Swing, Tenney, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 797

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

HUGH M. BURNS, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 28, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:

Assembly Bill No. 642

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

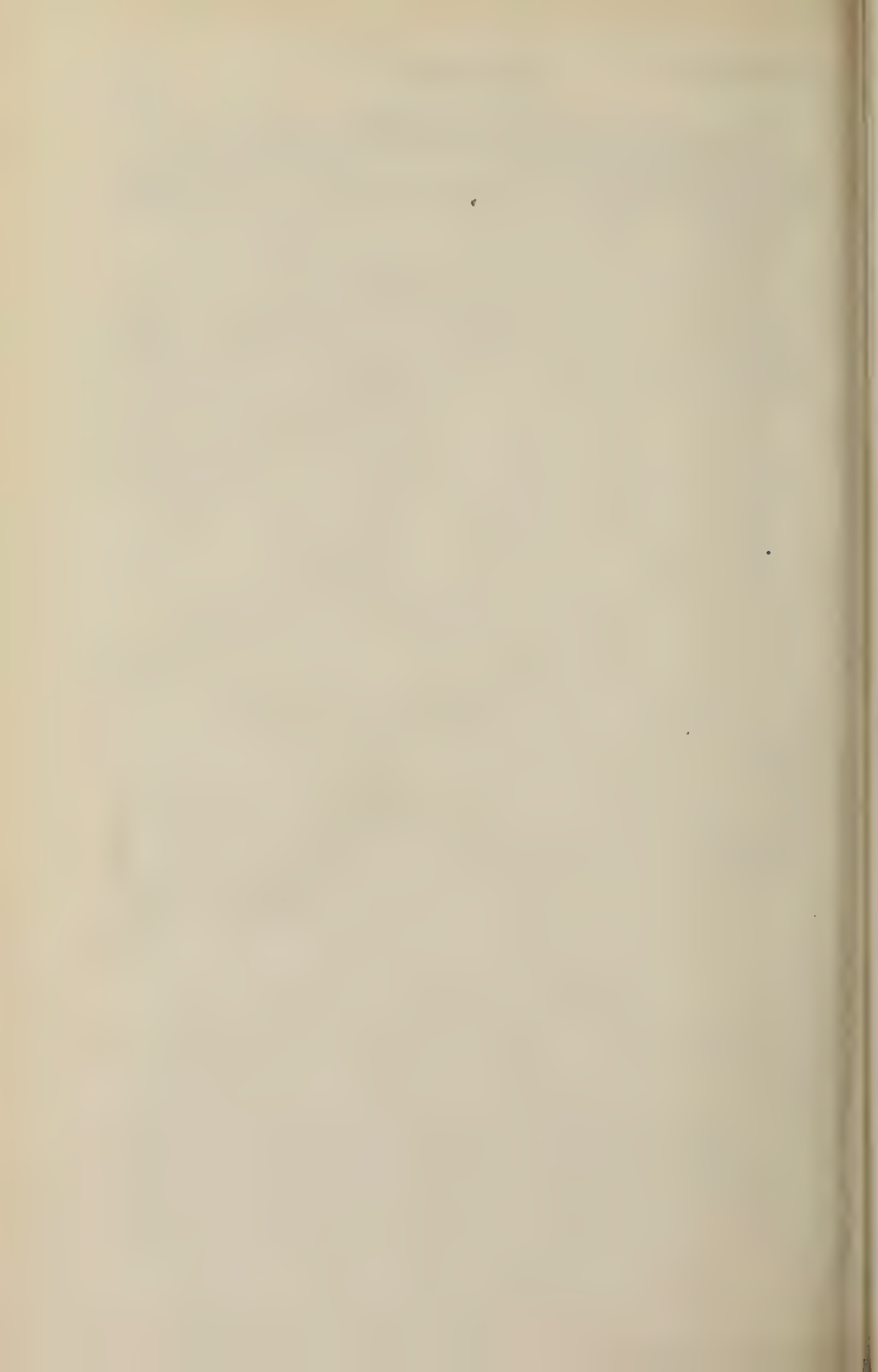
JESPERSEN, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 12.40 p.m., on motion of Senator Keating, the President declared the Senate adjourned until 2 p.m., Monday, May 2, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTY-SECOND LEGISLATIVE DAY

ONE HUNDRED TWENTIETH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, May 2, 1949

The Senate met at 2 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Hugh M. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

Motion to Print Prayer by the Chaplain in the Journal

Senator Powers moved that the prayer by the Chaplain be printed in the Journal.

Motion carried.

Prayer by the Chaplain, Rev. Nelson E. Hinman

Almighty God, our hearts are saddened as we consider the death of our associate Senator Michael J. Burns. Eventide has fallen for him. He has crossed the bar to meet Thee, his Creator and his God. He has fought his fight. He has finished his course. Comfort his family, Oh God. Be Thou a father to them. Sustain them in this their hour of sorrow. May we who survive our friend be reminded that we, too, shall in our turn face death. We, too, shall be called to meet Thee. Help us to so live that when our summons comes, we may hear Thy welcoming voice say: Well done thou good and faithful servant. These things we ask in Jesus' name.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day :

Senator Busch, on motion of Senator Powers, due to legislative business.

Senator Kraft, on motion of Senator Powers, due to legislative business.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered :

Senate Concurrent Resolution No. 50: By Senators Desmond, Abshire, Breed, Brown, Hugh M. Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—Relative to the death of Senator Michael J. Burns, Third Senatorial District.

Request for Unanimous Consent

Senator Desmond asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 50, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 50

Senate Concurrent Resolution No. 50 Relative to the death of Senator Michael J. Burns, Third Senatorial District.

Resolution read and adopted on rising vote of the following Senators:

Senators Abshire, Breed, Brown, Hugh M. Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—36.

Resolution ordered transmitted to the Assembly.

**MOTION TO PRINT REMARKS BY SENATOR DESMOND
IN THE JOURNAL**

Senator Powers moved that the remarks by Senator Desmond in presenting Senate Concurrent Resolution No. 50 be printed in the Journal.

Motion carried.

Remarks by Senator Desmond

Mr. President and Members of the Senate:

The roll has been called and there is one of our number who fails to respond. His chair is vacant and the wreath which lies upon his desk gives mute testimony to the fact that his soul has returned to its Creator and his body lies peacefully in death.

Senator Michael J. Burns has answered his last roll call upon the floor of this Senate but he has responded to the final roll call of his Maker to whom he will give an account of his stewardship. I am certain, as are all within the hearing of my voice that in response to this last roll call, God, in His infinite goodness and justice, will look upon the spiritual being of our former colleague and say "Well done, thy Good and Faithful Servant, enter Thou into the Kingdom of Heaven, there to enjoy eternal peace."

I am sure of this, as all of you are, for Michael J. Burns was a man of character, a man of virtue, a man blessed with a keen perception of moral values. His character, his humor, his wisdom, his sound judgment left their imprints upon the mind and hearts of all of us who knew him.

Michael J. Burns, the humble man, the Senator, was my friend. His wisdom and sage advice was a guiding influence upon me during our service in the Legislature. He was my seat mate in the Assembly for many years and he was my seat mate in the Senate, he was a man among men. His heart was free of guile, and after a bitter legislative struggle, win or lose, Mike bore ill to no man, his was a character that forgave and never sought revenge.

Mike is gone, never again will his Irish wit give us courage in our times of trial; never again will the Irish wisdom of Mike Burns come to our aid in the solution of difficult problems of State; never again will the honest, straightforward character of Mike Burns be here to guide our footsteps along the pathway of righteousness.

But, while the mortal remains of Mike Burns rest in the ever peaceful solitude of death, the spirit of Mike Burns will always be present in our midst, and in solemn tribute we bow our heads in respect to a man of character, to an humble man, who sought nothing for himself, but whose life and its living was the true essence of that immortal and everlasting law, "Do unto others as you would that others should do unto you."

We pay our last tribute to Senator Michael J. Burns. Our minds flash back over the years and we turn the pages of memory and in the present as we visualize our friend Mike before his God to give an account of his stewardship, let us offer a silent prayer of sympathy for his beloved wife, his children and his grandchildren who survive him, and then let us say to ourselves, "Mike, you have attained your reward, pray for us that we may some day join you in a life of Eternal Happiness."

POSTPONEMENT OF MOTIONS TO RECONSIDER

Senator Powers asked for, and was granted, unanimous consent to have the motion by Senator Breed to reconsider the vote whereby Senate Bill No. 1377 was passed, and the motion by Senator Desmond to reconsider the vote whereby Assembly Bill No. 608 was passed, continued until the next legislative day.

ADJOURNMENT

At 2.25 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1 p.m., Tuesday, May 3, 1949, out of respect to the memory of the late Senator Michael J. Burns.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTY-THIRD LEGISLATIVE DAY

ONE HUNDRED TWENTY-FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, May 3, 1949

The Senate met at 1 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Kraft, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Stanley Denner, Alma Denner, and Russell Denner, Jr., of Santa Rosa, E. Briggs and D. H. Foceta of Sebastopol, L. L. Manker of Santa Rosa.

On request of Senators Abshire and Weybret, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Alfred H. deVries of San Juan Bautista.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. James C. Goodman of Los Angeles.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William P. Ewart

of Penngrove, Chris Knudtsen of Petaluma, George Kennedy of Sebastopol.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Daryl Hutchins of Oakland, and S. Tex Rose of Los Angeles.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Albert C. Wollenberg, Judge of the Supreme Court and Joseph Cummins, Secretary, Superior Court, San Francisco.

On request of Senator Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry C. Grieb, Jr., of Red Bluff.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. E. Overlie of Ione.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Tryon of Crescent City.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. C. Shay of San Bernardino and Harold E. Mac MacKinzie of San Bernardino.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. H. Leask of Bakersfield and Norbert Baumgarten of Bakersfield.

On request of Senators Tenney and Lt. Governor Knight, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sidney A. Cherniss of Los Angeles.

On request of Senators O'Gara and Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harold Keats, National Commander of the AMVETS of Ft. Lauderdale, Florida, James Kehoe, State Commander of AMVETS of San Mateo, and Don Meyers of San Mateo.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Don Sweeney of Los Angeles.

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harold Johnson of Merced.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clay Nixon, National Senior Vice Commander, Marine Corps League of Seattle, Wash.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Tom Gellis of Selly Ford, Lloyd E. Gummere, George LaPald, and Ben Calwell of Pismo Beach.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ruth Martin, principal, Mrs. Gordon Ball, Mrs. Hoben Thomas, and the following eighth grade students of Alamo school of Alamo: Kirk Ashford, Nathan Ball, Barbara Beavers, Geraldine Boles, Leonard Catania, Wilma Jane Dunlap, Peter Engelhart, Donald Gray, George Kimball, Laurilla

Lovell, Beth Ann Meyers, Erin Dixie Murray, Alex Newman, Wanda Peterson, Robert Polhemus, Tom Pollack, Luther Steadham, Mike Towle, Leslie Wood, Robert Wright, and Hoben Thomas.

On request of Senators Jespersen and Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Tony Doko and Mayor H. E. Bossinger of Pismo Beach, and E. B. Brown of Santa Barbara.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Brig. Gen. Otto E. Sandman of Stockton.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, May 2, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointment, and respectfully request your confirmation thereof and consent thereto:

CHARLES T. LEIGH, a resident of San Diego; a graduate of the University of Washington and Worcester Polytechnic Institute; an engineer and civic and business leader of San Diego;

to the California Highway Commission, vice C. Arnholt Smith, resigned, for the term prescribed by law, ending January 15, 1951.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

HOUSING AND HOME FINANCE AGENCY

OFFICE OF THE ADMINISTRATOR
WASHINGTON 25, D. C., April 29, 1949

DEAR MR. BEEK: The President has asked me to thank you for sending him a copy of Senate Joint Resolution No. 7 of the California Legislature concerning the removal of temporary Lanham Act housing in your State.

While the Lanham Act requires that all temporary housing be removed by January 1, 1950, it gives this office discretionary authority, after consultation with the local communities, to postpone removal from year to year. These postponements must be reported to the Congress.

It is contemplated that recommendations for changes in this law will be submitted to the Congress in time for action prior to January 1, 1950. If, however, the law is not changed prior to that date, the required community consultations will be held and removal of the housing postponed when it is found that it is still needed.

If you desire additional information on this subject, please feel free to call on me.

Sincerely yours,

RAYMOND M. FOLEY, Administrator

MR. JOSEPH A. BEEK, Secretary of the Senate
State of California, Sacramento, California

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 98
Assembly Bill No. 671
Assembly Bill No. 918
Assembly Bill No. 920

Assembly Bill No. 1356
Assembly Bill No. 1687
Assembly Bill No. 1856

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1470

Assembly Bill No. 185

Assembly Bill No. 874

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 25

Senate Concurrent Resolution No. 48

Senate Concurrent Resolution No. 49

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 152

Senate Bill No. 800

Senate Bill No. 259

Senate Bill No. 1248

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 25

Senate Bill No. 598

Senate Bill No. 42

Senate Bill No. 682

Senate Bill No. 47

Senate Bill No. 754

Senate Bill No. 51

Senate Bill No. 796

Senate Bill No. 60

Senate Bill No. 893

Senate Bill No. 65

Senate Bill No. 1013

Senate Bill No. 80

Senate Bill No. 1129

Senate Bill No. 219

Senate Bill No. 1162

Senate Bill No. 220

Senate Bill No. 1169

Senate Bill No. 349

Senate Bill No. 1245

Senate Bill No. 405

Senate Bill No. 1271

Senate Bill No. 406

Senate Bill No. 1275

Senate Bill No. 459

Senate Bill No. 1354

Senate Bill No. 460

Senate Bill No. 1355

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 351

Senator Swing moved that Senate Bill No. 351 be withdrawn from Committee on Judiciary for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 351—An act to amend Section 261b, as added by Chapter 1031 of the Statutes of 1943, of the Code of Civil Procedure, relating to fees for phonographic reporters.

Bill read second time.

Motion to Amend

Senator Swing moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out all of lines 1 and 2, down to the word "relating", and insert

"An act to repeal Section 4237.1 of the Political Code, added by Chapter 568 of the Statutes of 1937,".

Amendment No. 2

On page 1, line 1, of said bill, after the words "SECTION 1.", strike out all of the balance of said line, and all of lines 2 to 28, inclusive, and insert

"Section 4237.1 of the Political Code, as added by Chapter 568 of the Statutes of 1937, relating to the fees of phonographic reporters, is hereby repealed."

Amendment No. 3

Strike out all of page 2.

Amendment No. 4

Strike out all of page 3.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1357

Senator Rich moved that Assembly Bill No. 1357 be re-referred to Committee on Finance.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1618

Senator Rich moved that Senate Bill No. 1618 be withdrawn from Committee on Natural Resources for purpose of amendment and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1618—An act to amend Sections 6210.5, 6301, 6357, 6502, 6813, 6815, 6827, 6834, 6836, 6871, 6873, and 6874, to add Section 6501.1 and to amend the title of Article 3 of Chapter 4, Part 1, Division 6 of the Public Resources Code, relating to lands owned by the State, including tidelands and submerged lands, beds of navigable rivers and lakes, lands held in proprietary or sovereign capacity, and other lands, providing for the administration, management, leasing, and disposition thereof, and of the oil and gas and other mineral deposits within or upon such lands.

Bill read second time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in Senate April 28, 1949, strike out "6210.5", and insert "6210.6".

Amendment No. 2

On page 1, line 1, of said bill, strike out "6210.5", and insert "6210.6".

Amendment No. 3

On page 1, line 9, of said bill, strike out "6210.5", and insert "6210.6".

Amendment No. 4

On page 1, line 13, of said bill, strike out the period and insert ", operations under which have resulted in the discovery of oil and/or gas and/or other minerals in paying quantities, to include a parcel of land contiguous to the area covered by

such lease, provided the provisions of Chapter 3 or Chapter 4.1 of Part 2 of Division 6 have been complied with and no satisfactory bids have been received."

Amendment No. 5

On page 5 of said bill, strike out lines 32 to 36, inclusive, and insert "therefrom, except that the lease may permit the drilling of wells from artificial structures located offshore at a distance of a minimum of a mile from shore, if, after public hearing, the commission determines that the best interests of the State may thus be served."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

MOTION TO WITHDRAW SENATE BILL NO. 1094 FROM ENROLLMENT

Senator Dilworth moved that Senate Bill No. 1094 be withdrawn from enrollment and placed on the unfinished business file for further consideration.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 3, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 946
Assembly Bill No. 1466
Assembly Bill No. 1630
Assembly Bill No. 1655
Assembly Bill No. 1673

Assembly Bill No. 2040
Assembly Bill No. 2062
Assembly Bill No. 2556
Assembly Bill No. 2900

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 946—An act to repeal Article 4 of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code consisting of Sections 350 to 354, inclusive, and to add Article 4 to Chapter 2 of Part 1 of Division 1 consisting of Sections 350 to 356, inclusive, relating to a Division of Dental Health.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1466—An act to repeal Chapters 952 and 953 of the Statutes of 1939 relating to the regulation of loans and lenders.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1630—An act to amend Sections 1187 and 1190 of the Code of Civil Procedure, relating to liens of mechanics and others upon real property.

Referred to Committee on Judiciary.

Assembly Bill No. 1655—An act to add Section 1752.1 to the Welfare and Institutions Code, relating to contracts for the extension of services by the Youth Authority to counties.

Referred to Committee on Judiciary.

Assembly Bill No. 1673—An act to amend Sections 1731.5 and 1732 of the Welfare and Institutions Code, relating to referral of juvenile offenders to the Youth Authority.

Referred to Committee on Social Welfare.

Assembly Bill No. 2040—An act to amend Sections 18802 and 18804 of the Government Code, relating to the reclassification of state employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2062—An act to add Section 18002.5 to the Government Code, relating to wage deduction statements.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2556—An act to add Sections 330.1 to 330.6, inclusive, to the Penal Code, to prohibit the possession, use or operation of slot machines or like devices, prescribing the penalty for violations of this act, and providing for the confiscation of such machines.

Referred to Committee on Judiciary.

Assembly Bill No. 2900—An act to amend Section 28118 of the Government Code, relating to compensation for public service in counties of the eighteenth class.

Referred to Committee on Local Government.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 2, 1949

MR. PRESIDENT: The Committee on Rules to which was referred the message from the Governor, dated March 29, 1949, appointing

RUDOLPH HENRY, to the State Board of Cleaners (representing retail shop owners), vice self, for the term prescribed by law, ending January 15, 1953; Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR

Motion to Confirm Appointments by the Governor

Senator Powers moved that the Senate confirm and consent to the appointment of Rudolph Henry as a member of the State Board of Cleaners.

The President put the question, "Will the Senate confirm and consent to the appointment of Rudolph Henry?"

The roll was called, with the following result:

AYES—Senators Abshire, Breed, Burns, Collier, Coombs, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Mayo, O'Gara, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, and Watson—25.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Rudolph Henry to the State Board of Cleaners.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 3, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Joint Resolution No. 27—Relative to provision for public recreation, fish and wildlife development in flood, irrigation and power projects involving construction of dams;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the third day of May, 1949, at 10 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 3, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 206—An act to amend Section 464 of the Agricultural Code, relating to the serving of market milk;

Senate Bill No. 217—An act to add Section 3720.1 to the Political Code and to add Section 54903.1 to the Government Code, relating to the creation, and changes of boundaries, of school districts;

Senate Bill No. 363—An act to add Section 460.6 to the Agricultural Code, relating to milk and milk products;

Senate Bill No. 381—An act to amend Sections 7406, 10375, and 10453 and to repeal Section 10377 of the Health and Safety Code, relating to death certificates;

Senate Bill No. 654—An act to amend and renumber Section 6210.3 of the Public Resources Code, added to said code by an act entitled "An act to add Sections 6210.3, 6210.4, and 6220 to the Public Resources Code, relating to reservations of easements for convenient access, in sale, lease or rental of state-owned lands, and to acceptance of quitclaim deeds by the State Land Commission," approved May 20, 1943, and to amend and renumber Sections 6210.4 and 6210.5 of the Public Resources Code, relating to public lands;

And reports that the same have been correctly enrolled, and presented to the Governor on the third day of May, 1949, at 10 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 3, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 874—An act to repeal Section 52 of, and to add Section 52 to, the County Water District Act and to repeal Section 30062 of, and to add Section 30062 to, the Water Code, relating to inclusion of lands;

Senate Bill No. 1330—An act to add Section 450.1 to the California Unemployment Insurance Act, relating to disability insurance, declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the third day of May, 1949, at 10 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 2, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 465

Senate Bill No. 967

Senate Bill No. 901

Senate Bill No. 1250

Senate Bill No. 965

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, April 29, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 162

Senate Bill No. 532

Senate Bill No. 191

Senate Bill No. 609

Senate Bill No. 461

Senate Bill No. 610

Senate Bill No. 464

Senate Bill No. 833

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 3, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 50

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, May 2, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which was referred:
Senate Bill No. 288

Has had the same under consideration, and reports the same back with amendments
with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

PARKMAN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 2, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which were
referred:

Assembly Bill No. 685

Assembly Bill No. 686

Assembly Bill No. 2076

Has had the same under consideration, and reports the same back with the recom-
mendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

PARKMAN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 2, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which was referred:
Senate Bill No. 1207

Has had the same under consideration, and reports the same back with amendments
with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

PARKMAN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 2, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which were
referred:

Senate Bill No. 846

Senate Bill No. 847

Has had the same under consideration, and reports the same back with amendments
with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

PARKMAN, Chairman

Above reported bills ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, May 2, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:

Assembly Bill No. 200

Has had the same under consideration, and reports the same back with amendments
with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

DONNELLY, Chairman

Above reported bill ordered to second reading.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, May 2, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:
Assembly Bill No. 1921

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 1; absent 3.

DILLINGER, Chairman

Above reported bill ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, May 2, 1949

MR. PRESIDENT: The Committee on Water Resources, to which were referred:

Senate Bill No. 165

Senate Bill No. 1394

Senate Bill No. 509

Assembly Bill No. 2216

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

DONNELLY, Chairman

Above reported bills ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, May 3, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which was referred:

Senate Bill No. 1620

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 6; absent 2.

BREED, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 916

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 8; committee vote: Ayes 6; absent 2.

BREED, Chairman

Above reported bill ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 3, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1539

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 5.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 2461
Assembly Bill No. 1889

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 3, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1627
Assembly Bill No. 453
Assembly Bill No. 1503
Assembly Bill No. 1799

Assembly Bill No. 1857
Assembly Bill No. 2355
Assembly Bill No. 1962
Assembly Bill No. 2162

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 3, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 684

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 2, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Bill No. 514

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 3; absent 2.

POWERS, Chairman

Above reported bill ordered to second reading.

MOTION TO APPROVE JOURNALS

Senator Powers moved that the Journals for Monday, April 25, 1949; Tuesday, April 26, 1949; Wednesday, April 27, 1949; Thursday, April 28, 1949; and Friday, April 29, 1949, be approved as corrected by the Minute Clerk and the Journal Clerk.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILLS NOS. 1188,
1190, 1191, 1192, 1195, 1196, 1197, AND 1198

Senator Burns moved that Senate Bills Nos. 1188, 1190, 1191, 1192, 1195, 1196, 1197, and 1198 be withdrawn from Committee on Business and Professions for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1188—An act to amend Section 8506 of the Business and Professions Code, relating to structural pest control.

Bill read second time.

Motion to Amend

Senator Burns moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 12, of the printed bill, strike out the comma after "act", and insert "to work on service contracts, or".

Amendment No. 2

On page 1, line 19, of said bill, strike out the period and insert "except as provided in subparagraph (c) of this section."

Amendment No. 3

On page 1, line 31, of said bill, strike out the period and insert "unless a properly classified and licensed operator is employed to manage, supervise, and direct the business. Notwithstanding any limitation in subparagraph (a) of this section, an operator may be employed concurrently by an executor or administrator under this subparagraph and by another licensee."

Amendments read, and adopted.

Bill ordered printed, and referred to Committee on Business and Professions.

Senate Bill No. 1190—An act to amend Sections 8507 and 8520 of the Business and Professions Code, relating to structural pest control.

Bill read second time.

Motion to Amend

Senator Burns moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, in line 1 of the title, after "8507", strike out "and", and insert a comma; after "8520", insert "8554, and 8620".

Amendment No. 2

On page 1 of said bill, after line 21, insert

"SEC. 3. Section 8554 of said code is amended to read:

8554. No person engaged in the business or acting in the capacity of an operator may bring or maintain an action in any court of this State for the collection of compensation for the performance of any act or contract without alleging and proving that he was a duly licensed operator at all times during the performance of such act or contract. *Nothing herein shall prohibit the bringing or maintaining an action for the collection of compensation in the event of a suspension or revocation of a license by the board, if the order of suspension or revocation authorized the performance of the act or work, compensation for which the action is brought or maintained.*

SEC. 4. Section 8620 of said code is amended to read:

8620. The board may upon its own motion, and shall upon verified complaint in writing of any person, investigate the actions of any person acting as, or making application for a license as, an operator or field representative.

After hearing, the board may temporarily suspend or permanently revoke a license issued under the provisions of this chapter if the holder, while a licensee or applicant, is guilty of or commits any one or more of the acts or omissions constituting grounds for disciplinary action. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

In any order of suspension or revocation the board may authorize the completion of any order or work contracted for under terms and conditions set forth in the order."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 1191—An act to amend Section 8568 of the Business and Professions Code, relating to structural pest control.

Bill read second time.

Motion to Amend

Senator Burns moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, in line 1 of the title, strike out "amend Section 8568 of", and insert "add Sections 8514 and 8515".

Amendment No. 2

On page 1 of said bill, strike out all of lines 1 to 26, inclusive, and on page 2 of the printed bill, strike out all of lines 1 to 9, inclusive, and insert

"SECTION 1. Section 8514 is added to said code, to read:

8514. Notwithstanding any provision of this chapter, after an inspection has been made a licensee who holds a group license for the control of household pests, or wood destroying pests or organisms, but whose group license restricts the method of eradication or control permitted, may recommend and enter into a contract for the eradication or control of pests within the scope of his group license, provided he subcontracts in writing the actual performance of the work to a licensee who holds a group license authorizing the particular method to be used.

Nothing herein contained shall permit or authorize any licensee to perform, attempt to perform, advertise or hold out to the public or to any person that he is authorized, qualified or licensed to perform, pest control work in any branch or group, or by any method, for which he is not licensed.

Subcontracting of work, as permitted herein, shall not relieve the prime contractor or the subcontractor from responsibility for, or from disciplinary action because of, any act or omission on his part, which would otherwise be a ground for disciplinary action.

SEC. 2. Section 8515 is added to said code, to read:

8515. Nothing in this chapter shall prohibit a corporation, partnership, or individual licensed hereunder from authorizing an officer, partner or employee to submit bids, after an inspection by a person licensed under this act, or to sign contracts after negotiation by a person licensed under this act, on behalf of such corporation."

Amendments read, and adopted.

Bill ordered printed, and referred to Committee on Business and Professions.

Senate Bill No. 1192—An act to amend Sections 8635, 8641, 8642, 8644, and 8651 of the Business and Professions Code, relating to structural pest control.

Bill read second time.

Motion to Amend

Senator Burns moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, in line 1 of the title, strike out "8642,".

Amendment No. 2

On page 1, line 3, of the said bill, after "Wilful", insert "and prejudicial".

Amendment No. 3

On page 1, line 11, of said bill, strike out "Failure", and insert "Wilful failure".

Amendment No. 4

On page 1, line 14, of said bill, strike out "a bona fide", and insert "an actual".

Amendment No. 5

On page 1 of said bill, strike out lines 16 to 20, inclusive.

Amendment No. 6

On page 1, line 21, of said bill, after "SEC.", strike out "4", and insert "3".

Amendment No. 7

On page 1, line 26, of said bill, after "SEC.", strike out "5", and insert "4".

Amendments read, and adopted.

Bill ordered printed, and referred to Committee on Business and Professions.

Senate Bill No. 1195—An act to repeal Section 8572 of the Business and Professions Code, relating to structural pest control.

Bill read second time.

Motion to Amend

Senator Burns moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "to", insert "amend Section 8567 of, and to".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, preceding line 1, insert

"SECTION 1. Section 8567 of the Business and Professions Code is amended to read:

8567. Should a field representative change his employment, or should an operator enter the employ of another operator, or being already employed by an operator change his employment, or being employed by another operator leave such employment and enter the pest control business on his own behalf, he shall notify the registrar in writing, on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board [, together with a transfer fee of one dollar (\$1)]. Whereupon the registrar shall register the change in his records."

Amendment No. 3

On page 1, line 1, of said bill, after "Section", strike out "1", and insert "2".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 1196—An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to the taxation of property.

Bill read second time.

Motion to Amend

Senator Burns moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out all of line 15.

Amendment No. 2

On page 1 of said bill, following line 24, insert

"In the foregoing schedule, where a minimum and maximum amount is set forth, the board with the approval of the director shall determine and set the fee to be paid."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 1197—An act to amend Section 8671 and to repeal Section 8572 of the Business and Professions Code, relating to the regulation of structural pest control.

Bill read second time.

Motion to Amend

Senator Burns moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, in line 1 of the title, after "amend", strike out "Section", and insert "Sections 8505, 8551, and".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, preceding line 1, insert

"SECTION 1. Section 8505 of the Business and Professions Code is amended to read:

8505. (a) "Structural pest control" and "pest control" as used in this chapter are synonymous. *Except as provided in Section 8555 and elsewhere in this chapter, [It] is, with respect to household pests and wood destroying pests or organisms, or such other pests which may invade households or other structures, including railroad cars, ships, docks, trucks, airplanes, or the contents thereof, the engaging in, offering to engage in, advertising for, soliciting, or the performance of, any of the following:* Identification of infestations or infections [.]; the making of an inspection or inspections for the purpose of identifying or attempting to identify infestations or infections of household or other structures by such pests or organisms; the making of inspection reports, [including] recommendations, estimates, and bids, whether oral or written, with respect to such infestations or infections; and the making of contracts, or the submitting of bids for, or the performance of any work, [with or without the submission of a bid or bids therewith or without the execution of any part thereof] including the making of structural repairs or replacements, or the use of insecticides, pesticides, rodenticides, fumigants, or allied chemicals or substances, or mechanical devices for the purpose of eliminating, exterminating, controlling or preventing infestations or infections of such pests, or organisms [ants, bedbugs, carpet beetles, woodboring insects, cockroaches, fleas, moths, mice, rats, silverfish, spiders, termites, infection of fungi, and other such pests which may invade household and other structures].

"Household pests" are defined for the purpose of this chapter as those pests other than wood destroying pests or organisms, which invade households and other structures, including, but not limited to, rodents, vermin and insects.

(b) 1. "Fumigator" means any person licensed by the Structural Pest Control Board as a structural pest control operator or as a structural pest control field representative who shall have been qualified by the board in the group or groups of pest control which include fumigation as set forth in Section 8560. 2. All fumigation work regulated by this chapter shall be performed under the direct and personal supervision of [a person licensed under this chapter] *an operator, field representative, licensed qualified partner, or responsible natural person of a corporation or association licensed to do fumigation.* 3. Fumigators shall comply with all state, city, county, and city and county laws and ordinances and with all laws and regulations of the United States and the agencies thereof. 4. Notice of time and place of fumigation shall be given to the fire department relating to the place wherein fumigation is to be performed, not less than two hours prior to the time thereof. 5. During the process of fumigation the room or apartment being fumigated, together with all rooms and apartments, including rooms or apartments on the same floor and those above and below, adjacent thereto, shall be vacated by the occupants thereof. 6. During the process of such fumigation, all rooms, apartments, and hallways adjacent to the rooms, apartments or spaces undergoing fumigation, shall be kept well ventilated and warning signs as herein prescribed stating such fact of fumigation shall be kept posted at all entries to such rooms or apartments during the time of such fumigation and thereafter until all such premises are safely ventilated free of all fumes. 7. All rooming or apartment houses designed for the use of four families or less shall be entirely vacated and closed against entry thereof and occupancy thereof while fumigation is being performed therein and until the same is safely ventilated free of all fumes. 8. Before fumigation is commenced therein, all cracks, holes, crevices, openings, and apertures in walls, ceilings, and floors of the

premises or spaces to be fumigated, shall be securely sealed in such manner as to confine the fumigant to the premises or spaces undergoing fumigation. 9. All entrances to buildings, apartments or rooms while being fumigated shall be securely locked and sealed. 10. Warning signs shall be posted on all doors or entrances to the building, apartment or rooms, and upon all gangplanks, and ladders from docks, piers, and ships being fumigated. 11. Warning signs shall be printed in red ink on white cardboard and shall contain a skull and crossbones. The headlines shall be at least two inches in height. Such warning signs shall state that the premises or enclosed space or part thereof that is to be fumigated, the type of gas being used, the name, address, and telephone number of the person, firm or corporation conducting the fumigation [and the same of the operator or field representative in charge]. 12. Such warning signs shall remain posted until fumigation and ventilation is completed. 13. All members of fumigating crews [releasing the fumigant] shall [wear] *be provided with effective masks of a type approved by the United States Bureau of Mines for protection against the type of fumigant being used.* 14. Upon the completion of the exposure period, fumigators shall enter the building or space under fumigation and open all doors and windows to permit access of air and breeze thereto and otherwise perform as much cross-ventilation as possible. Where basements or other locations cannot be ventilated by means of windows, doors, or other similar openings, mechanical means of ventilating shall be employed. Ventilation shall be conducted with due regard to hazards to persons in the vicinity of the ventilation. 15. Upon fumigation being completed, all fumigant containers, refuse, and materials shall be removed from the premises. 16. All bedding or similar material shall be thoroughly beaten and placed and exposed in a well ventilated place or in open air for not less than four hours, or such additional time as may be necessary, before being used. 17. Before any fumigant is released therein, fumigators shall make a careful examination of the building, apartments, rooms, or structures to be fumigated, and verify that no human beings or domestic animals remain therein, and that all reasonable precautions have been taken to safeguard the lives and health of all persons and domestic animals remaining in the premises in which fumigation is being performed, and that conditions which might create a fire hazard have been eliminated. 18. All fumigators shall be familiar with and able to apply the Schaefer Prone Method of Resuscitation. 19. All fumigating crews shall be outfitted with a safety kit containing safety equipment and antidotes as may be determined by rules and regulation of the board to be suitable for the particular fumigant used.

SEC. 2. Section 8551 of said code is amended to read:

8551. It is unlawful for any unlicensed person to perform fumigation with dangerous or lethal fumigating chemicals or *substances or mechanical devices* in any public structure, including rooming house, or households when used as public structures, hotels, apartment houses or any part thereof, *or any other structures or parts thereof, including railroad cars, ships, docks, trucks, airplanes or the contents thereof.*

Amendment No. 3

On page 1, line 1, of said bill, after "SECTION", strike out "1", and insert "3".

Amendment No. 4

On page 1, line 11, of said bill, following "SEC.", strike out "2", and insert "4".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 1198—An act to amend Sections 8560, 8562, 8564, 8565, and 8566 of the Business and Professions Code, relating to structural pest control.

Bill read second time.

Motion to Amend

Senator Burns moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 12, of the printed bill, after "hold", insert "and wood destroying pests".

Amendment No. 2

On page 1, line 14, of said bill, after "insecticides", strike out "only", and insert "excluding fumigation with poisonous or lethal gases".

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 15 and 16.

Amendment No. 4

On page 1, line 17, of said bill, after "Branch", strike out "4", and insert "3".

Amendment No. 5

On page 1, line 18, of said bill, after "insecticides", and before the comma, insert "or structural repairs and corrections".

Amendment No. 6

On page 1 of the printed bill, strike out all of lines 20 and 21.

Amendment No. 7

On page 1, line 22, of said bill, after "Branch", strike out "6", and insert "4".

Amendment No. 8

On page 1, line 24, of said bill, after "Branch", strike out "7", and insert "5".

Amendment No. 9

On page 1, line 27, of said bill, strike out "8", and insert "6".

Amendment No. 10

On page 2, line 1, of said bill, after "Branch", strike out "9", and insert "7".

Amendment No. 11

On page 2, line 9, of said bill, strike out "9", and insert "7".

Amendment No. 12

On page 2, line 13, of said bill, strike out "and 4 to 9", and insert "to 7".

Amendment No. 13

On page 2, line 18, of said bill, strike out "6 to 9", and insert "4 to 7".

Amendment No. 14

On page 2, line 21, of said bill, strike out "covering branches 3 to 5 inclusive", and insert "covered by branch 3".

Amendment No. 15

On page 2 of said bill, strike out lines 22 and 23.

Amendment No. 16

On page 2, line 28, of said bill, strike out "6 to 9", and insert "4 to 7".

Amendment No. 17

On page 2, line 32, of said bill, strike out "7", and insert "5".

Amendment No. 18

On page 2, line 34, of said bill, strike out "9", and insert "7".

Amendment No. 19

On page 2, line 37, of said bill, strike out "6 and 8", and insert "4 to 6".

Amendment No. 20

On page 2, line 39, of said bill, strike out "6", and insert "4".

Amendment No. 21

On page 2, line 41, of said bill, strike out "or field representatives".

Amendment No. 22

On page 3, line 38, of said bill, strike out "Satis-", and insert "satis-".

Amendment No. 23

On page 3, line 44, of said bill, strike out "and 3".

Amendment No. 24

On page 3, line 45, of said bill, strike out "Branches 2 and 6 to 9, inclusive", and insert "Branch 2".

Amendment No. 25

On page 3, line 46, of said bill, strike out "Branches 4 and 5", and insert "Branch 3".

Amendment No. 26

On page 4 of said bill, after line 38, insert

"The board shall not accept any application for a field representative license in Group A or C unless the applicant submits proof satisfactory to the board of six months training and experience in the practice of fumigating with poisonous or lethal gases under the immediate supervision of a person licensed to practice fumigating."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 901

Senator Dillinger moved that Senate Bill No. 901 be withdrawn from Committee on Social Welfare for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 901—An act to amend the title and to repeal Sections 56, 58, 101, 101.5, 101.6, 101.8, and 101.9, to renumber Section 57.7, to amend and renumber Section 57.5, and to amend the title and Sections 1, 3, 13, 53, 54, 56.6, 57, 67, 86, 92, 100, and 201 of the Unemployment Insurance Act, and to add Sections 57.2, 57.3, 59, 84, and 103 thereto.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

On page 1, in the title of the printed bill as amended April 29, after "100", strike out "and" and insert a comma; and after "201", insert "and 204".

Amendment No. 2

On page 1, line 4, of said bill, after "insurance", insert "and disability insurance".

Amendment No. 3

On page 1, line 9, of said bill, strike out "3", and insert "3.5".

Amendment No. 4

On page 1, line 18, of said bill, strike out "Section 1."

Amendment No. 5

On page 6, line 48, of said bill, strike out "director".

Amendment No. 6

On page 7, line 50, of said bill, after "or", insert "in an occupation".

Amendment No. 7

On page 9, line 50, of said bill, after "if", strike out "the", and insert "such".

Amendment No. 8

On page 9, line 51, of said bill, after "not", insert "thereafter".

Amendment No. 9

On page 10, line 1, of said bill, after "disqualification", strike out "shall be from and including the week in"; and in line 2, strike out "which such delayed notice is received by the department," and insert "which is determined later than the first week in which he would otherwise have been eligible and qualified for benefits shall be from and including the benefit period which includes the second day after the department shall have first received the information or allegation on which such disqualification was based,".

Amendment No. 10

On page 10, line 44, of said bill, after "incurred", insert "under this paragraph or any other provision of this act".

Amendment No. 11

On page 11, line 13, of said bill, after "made", insert "to the department".

Amendment No. 12

On page 11, line 16, of said bill, after "report", insert "to the department".

Amendment No. 13

On page 12, line 37, of said bill, after "organization", strike out the period and insert ", or to perform any act contrary to federal, state or local law."

Amendment No. 14

On page 12, line 49, of said bill, after "of", strike out "subdivision", and insert "subsections (a),".

Amendment No. 15

On page 15, line 6, of said bill, strike out "commission" and insert "director".

Amendment No. 16

On page 15, line 12, of said bill, after "the", strike out "commission", and insert "director".

Amendment No. 17

On page 15, line 18, of said bill, after "make", insert "to the department".

Amendment No. 18

On page 15, line 22, of said bill, after "report", insert "to the department".

Amendment No. 19

On page 15, line 48, of said bill, strike out "fifty", and insert "one hundred" and after "least", strike out "thirty-five", and insert "seventy-five".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 20

On page 18 of said bill, following line 11, insert

"SEC. 28. Section 204 of said act is amended to read:

Sec. 204. An individual, if eligible, shall be entitled to both unemployment [compensation disability] insurance benefits and [unemployment compensation] disability insurance benefits in the same benefit year; provided, however, that [the total amount of unemployment compensation benefits plus the total amount of unemployment compensation disability benefits shall not exceed in any benefit year one and one-half times the total amount of benefits to which such individual would be entitled under Section 53 of this act.] *no individual shall be entitled to both unemployment insurance benefits and disability insurance benefits under this act for the same benefit period.*"

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 907

Senator Dillinger moved that Senate Bill No. 907 be withdrawn from the Committee on Social Welfare for the purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 907—An act to repeal Section 38 of, and to amend Section 39 of, the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "of, and to amend Section 39 of," and insert "and 39.1 of, and to amend Sections 39, 40, 41, 41.1, 41.5, 42, and 45.11 of, and to add Sections 36 and 88 to,".

Amendment No. 2

On page 3, line 30, of said bill, strike out "The", and insert "With respect to wages paid in any period prior to January 1, 1950, the".

Amendment No. 3

On page 3, line 32, of said bill, strike out "rate." No", and insert "rate"; no".

Amendment No. 4

On page 3, line 37, of said bill, strike out the period and insert "; and, subject to these conditions, the contribution rate of each employer shall be determined as follows:".

Amendment No. 5

On page 3, line 38, of said bill, strike out "(b) To and including December 31, 1947, the" and insert "(1) The".

Amendment No. 6

On page 3, line 40, of said bill, strike out "subsections (a) and (f)" and insert "Section 41.3".

Amendment No. 7

On page 3, line 41, of said bill, strike out "(1)", and insert "(i)".

Amendment No. 8

On page 3, line 44, of said bill, strike out "(2)", and insert "(ii)".

Amendment No. 9

On page 3, line 47, of said bill, strike out "(3)", and insert "(iii)".

Amendment No. 10

On page 3, line 50, of said bill, strike out "(4)", and insert "(iv)".

Amendment No. 11

On page 4, line 1, of said bill, strike out "(5)", and insert "(v)".

Amendment No. 12

On page 4, line 4, of said bill, strike out "(c) After", and insert "(2) Notwithstanding provisions of subsection (a) (1) preceding, after".

Amendment No. 13

On page 4, line 7, of said bill, strike out "(1)", and insert "(i)".

Amendment No. 14

On page 4, line 16, of said bill, strike out "(2)", and insert "(ii)".

Amendment No. 15

On page 4, line 19, of said bill, strike out "(3)", and insert "(iii)".

Amendment No. 16

On page 4, line 22, of said bill, strike out "(4)", and insert "(iv)".

Amendment No. 17

On page 4, line 25, of said bill, strike out "(5)", and insert "(v)".

Amendment No. 18

On page 4, line 28, of said bill, strike out "(6)", and insert "(vi)".

Amendment No. 19

On page 4, line 31, of said bill, strike out "(7)", and insert "(vii)".

Amendment No. 20

On page 4, line 34, of said bill, strike out "(8)", and insert "(viii)".

Amendment No. 21

On page 4, line 37, of said bill, strike out "(9)", and insert "(ix)".

Amendment No. 22

On page 4, line 40, of said bill, strike out "(10)", and insert "(x)".

Amendment No. 23

On page 4, line 43, of said bill, strike out "(11)", and insert "(xi)".

Amendment No. 24

On page 4, line 46, of said bill, strike out "(12)", and insert "(xii)".

Amendment No. 25

On page 4, line 49, of said bill, strike out "(13)", and insert "(xiii)".

Amendment No. 26

On page 5, line 1, of said bill, strike out "(14)", and insert "(xiv)".

Amendment No. 27

On page 5, line 4, of said bill, strike out "(15)", and insert "(xv)".

Amendment No. 28

On page 5 of said bill, strike out all of lines 7 through 30, inclusive, and insert "(b) With respect to wages paid after December 31, 1949, the employer's total rate of tax contribution to the unemployment fund shall potentially be in two parts. The first of these shall be known as the "experience-rated part" of the tax. The second of these shall be known as the "pooled-payments part" of the tax. These two parts of the total tax contribution shall be as follows:

(1) The highest rate which shall be applied to any employer, as the "experience-rated" part of the total tax contribution, in any one calendar year, shall be 2.7 percent of his taxable pay roll, which rate is hereby defined as the "general rate." If, and as long as, the commission shall invoke a contribution rate of 2.7 percent from all employers, as provided in Section 41.3 of this act, such contribution rate shall be considered as being the "experience-rated" part of the total tax contribution for the purposes of this section of this act. No employer shall be eligible for a rate of less than 2.7 percent for any calendar year, for the experience-rated part of his whole tax contribution, unless the reserve account of such employer shall have been subject to benefit charges during the period of the thirty-six consecutive months ended at the close of business on the June 30th next preceding such calendar year. Subject to these conditions, the experience-rated part of the tax contribution rate of any employer with respect to wages paid which are subject to this act in any calendar year shall be as follows:

(i) If, as of the computation date for such calendar year (which computation date shall be as of the close of business on the June 30th next preceding such calendar year) the employer's net balance of reserve is less than 5 percent of his average base pay roll (which average base pay roll shall be the quotient of the total of amounts of taxable wages paid or payable by the employer during the period of the thirty-six consecutive months ended at the close of business on the December 31st next preceding the computation date, divided by three) the general rate of 2.7 percent;

(ii) If as of such computation date the employer's net balance of reserve is 5 percent or more but less than $5\frac{1}{2}$ percent of his average base pay roll, 2.5 percent.

(iii) If as of such computation date the employer's net balance of reserve is $5\frac{1}{2}$ percent or more but less than 6 percent of his average base pay roll, 2.3 percent.

(iv) If as of such computation date the employer's net balance of reserve is 6 percent or more but less than $6\frac{1}{2}$ percent of his average base pay roll, 2.1 percent.

(v) If as of such computation date the employer's net balance of reserve is $6\frac{1}{2}$ percent or more but less than 7 percent of his average base pay roll, 1.9 percent.

(vi) If as of such computation date the employer's net balance of reserve is 7 percent or more but less than $7\frac{1}{2}$ percent of his average base pay roll, 1.7 percent.

(vii) If as of such computation date the employer's net balance of reserve is $7\frac{1}{2}$ percent or more but less than 8 percent of his average base pay roll, 1.5 percent.

(viii) If as of such computation date the employer's net balance of reserve is 8 percent or more but less than $8\frac{1}{2}$ percent of his average base pay roll, 1.3 percent.

(ix) If as of such computation date the employer's net balance of reserve is $8\frac{1}{2}$ percent or more but less than 9 percent of his average base pay roll, 1.1 percent.

(x) If as of such computation date the employer's net balance of reserve is 9 percent or more but less than $9\frac{1}{2}$ percent of his average base pay roll, .9 percent.

(xi) If as of such computation date the employer's net balance of reserve is $9\frac{1}{2}$ percent or more but less than 10 percent of his average base pay roll, .7 percent.

(xii) If as of such computation date the employer's net balance of reserve is 10 percent or more but less than $10\frac{1}{2}$ percent of his average base pay roll, .5 percent.

(xiii) If as of such computation date the employer's net balance of reserve is $10\frac{1}{2}$ percent or more but less than 11 percent of his average base pay roll, .3 percent.

(xiv) If as of such computation date the employer's net balance of reserve is 11 percent or more but less than $11\frac{1}{2}$ percent of his average base pay roll, .1 percent.

(xv) If as of such computation date the employer's net balance of reserve is 11½ percent or more of his average base pay roll, there shall be no contributions.

(2) If, as of the close of business on any December 31st, the balance in the unemployment fund equals 7½ percent or more of the total taxable wages reported as paid or payable during the twelve consecutive months ended on the next preceding September 30th, the tax contribution to be paid in accordance with the rates provided under subsection (b) (1) of this section shall be the whole tax contribution for the following calendar year, and the pooled-payments part of the whole tax contribution shall be zero. However, if at such time, on such December 31st, such balance is less than such 7½ percent, the director shall compute the pooled-payments part of the whole tax contribution at the lowest rate which is a multiple of 0.1 percent, and which, if it had been applied uniformly to employees on the basis of their taxable wages in the twelve consecutive months ended on the next preceding September 30th, would have yielded an additional amount of revenue equal to the amount by which the balance in the fund at such time on such December 31st is below such 7½ percent, and such rate shall be added to the experience-rated part of the whole tax contribution, provided for in subsection (b) (1) of this section, to apply to taxable wages paid or payable in the following calendar year; provided, however, that, if the application of the foregoing formula for computation of the pooled-payments part of the whole tax contribution results in a rate of more than 1.3 percent, the pooled-payments part shall be at the rate of 1.3 percent."

Amendment No. 29

On page 5, line 34, of said bill, after "date", insert a comma.

Amendment No. 30

On page 5, line 31, of said bill, strike out "(e)", and insert "(c)".

Amendment No. 31

On page 5 of said bill, strike out all of lines 35 to 40, inclusive, and insert "amount, less any amount therein which is available for transfer to the disability fund".

Amendment No. 32

On page 5 of said bill, strike out line 41, and insert

"(d) Nothing contained in this section shall affect the power".

Amendment No. 33

On page 5, line 42, of said bill, strike out "director", and insert "commission, provided in Section 41.3,".

Amendment No. 34

On page 5, line 43, of said bill, after "any", insert "experience-rated contribution".

Amendment No. 35

On page 5, line 44, of said bill, after "herein", strike out ", as provided for in Section 41.3 of this act".

Amendment No. 36

On page 5, line 45, of said bill, strike out "(g)", and insert "(e)".

Amendment No. 37

On page 5, line 46, of said bill, strike out "of this act".

Amendment No. 38

On page 5, line 50, of said bill, after "under", insert "subsection (b) (1) of".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 39

On page 5 of said bill, after line 50, insert

"SEC. 3. Section 40 of said act is amended to read:

Sec. 40. The [commission] *department* shall keep separate records of the amounts paid into the fund by each employer in his own behalf, [or chargeable to him as benefits:] *except contributions which may be required as the pooled-payments part of the whole contribution under Section 39, and of the amounts chargeable to him as benefits;* but nothing in this [chapter] *act* shall be construed to grant any employer or his employees prior claims or rights to the amount contributed by him to the fund, either on his own account or on behalf of his *own* employees. The amount of employer contributions shall be pooled and available to pay benefits to any employee entitled to benefits under the provisions of Articles 1 to 9 inclusive regardless of the source of contributions.

SEC. 4. Section 41.1 of said act is amended to read:

Sec. 41.1. (a) The [commission] department shall furnish each employer with itemized statements showing the charges to his account and with statements showing the credits to his account, the net balance of his reserve and his contribution rate for the next succeeding [rating period] calendar year; provided, however, that, for the purpose of establishing the net balance of his reserve, no employer's account shall be credited with any part of his contribution to the unemployment fund which may be required to be paid as a pooled-payments part of his whole contribution, as provided in Section 39. Such statements shall be furnished not less frequently than annually. Such statement or statements of account shall be mailed to each employer at his last known address as shown on the records of the [commission] department.

(b) The employer, within sixty days after the date of mailing of any such statement, may protest any of the items shown thereon except charges for benefit payments where the employer was notified, as required by the act or authorized regulations, of the claimant's eligibility for such benefits[.] and with respect to which the employer has not filed a protest of such eligibility or such a protest has been made and has been finally found or adjudicated to be without merit, or where such benefits have been paid before the department's having received such a protest of eligibility which was mailed or taken to the department more than five days after the department mailed notice of the claimant's new or additional claim to the claimant's most recent previous subject employer. The [commission] director may, for good cause, extend the time for filing of any such protest. Unless such protest is filed within the period prescribed herein, or within any extended period, such statement shall be conclusively presumed to be correct; provided, that the [commission] department, upon its own initiative, after notice to the employer and opportunity for him to protest as above provided, may amend any statement if it subsequently finds any entries thereon to be incorrect. A decision of the appeals board in any such protest proceeding shall be subject to judicial review, as provided by law, if an appropriate proceeding is filed by the employer within sixty days of the date of mailing of such decision; provided, however, that the [commission] director may in writing extend the time for a period of not exceeding two years from the time within which such proceeding may be instituted if written request for such extension is filed with the [commission] director within the sixty-day period.

(c) [In the event that a protest proceeding is pending with respect to any statement provided for above when any contribution becomes due, the employer shall pay the contribution at the rate indicated by the commission's computation. If a determination indicating that a lesser contribution rate should have been computed is subsequently made in favor of the employer, the commission immediately either shall refund to the employer or credit to his account any amount so determined to have been paid in excess of the amount which he would have been required to pay had the computation been made correctly. Such refund or credit also shall be made to the employer if the commission on its own initiative finds that an excessive contribution rate was computed for the employer. An amendment by the commission on its own initiative shall not affect the contribution rate for any rating period preceding the rating period during which such amendment was made but if such amendment results in a determination that a different contribution rate should have been computed for the current rating period the commission shall compute the proper contribution rate which rate shall be effective for the current rating period. Any additional contributions thus required to be paid shall be assessed as provided in this act and shall be deemed to be due as contributions for the quarter in which the employer is notified of such determination and shall be considered as "contributions paid on his own behalf" if paid on or before the delinquent date for the quarter in which he is notified of the determination.]

If an employer, within fifteen days after the date of mailing of any such statement or of any such amendment thereto, shall pay to the director a voluntary contribution for the unemployment fund, designating that such voluntary contribution shall be with respect to such statement or amendment, the department shall:

(1) Compute what shall be called the "net voluntary contribution" as being that amount which, plus interest at the rate of .06 percent per week or fraction thereof from the June 30th next preceding the calendar year for which his tax contribution rate is affected by such designated notice or amendment to the date of such payment, plus an assessment of twenty-five dollars (\$25), is equal to the amount of such payment;

(2) Credit the net voluntary contribution to the reserve account of such employer as of the June 30th next preceding the calendar year for which his tax contribution rate is affected by such designated notice or amendment and thereafter consider any net balance of reserve of such employer exactly as if such net voluntary contribution had been paid on or before such June 30th as a tax contribution required under this act; and

(3) Within thirty days of the receipt of such a payment of a voluntary contribution, mail to such employer an amended such statement which shall give effect to such credit of net voluntary contribution; provided, however, that no effect shall be given to any voluntary contribution with respect to the contributor's contribution rate for any calendar year if such voluntary contribution is received by the department after the expiration of the first 120 days of such calendar year.

(d) In the event that a protest proceeding is pending with respect to any statement provided for above when any contribution becomes due, the employer shall pay the contribution at the rate indicated by the department's computation. If a determination indicating that a lesser contribution rate should have been computed is subsequently made in favor of the employer, the department immediately either shall refund to the employer or credit his account any amount so determined to have been paid in excess of the amount which he would have been required to pay had the computation been made correctly. Such refund or credit shall also be made to the employer if the department, on its own initiative, finds that an excessive contribution rate was computed for the employer. An amendment by the department, on its own initiative, shall not affect the contribution rate for any calendar year of which the last day is before the sixtieth day after the date on which notice was mailed to the employer that such amendment was made, but, if such amendment results in a determination that a different contribution rate should have been computed for a calendar year of which the last day is not before the sixtieth day after the date on which notice shall be mailed to the employer that such amendment shall have been made, the department shall compute the proper contribution rate, which rate shall be effective for such calendar year. Any additional contributions thus required to be paid shall be assessed as provided in this act and shall be deemed to be due as contributions for the quarter in which the employer is notified of such determination and shall be considered "contributions in his own behalf" if paid on or before the delinquent date for the quarter in which he is notified of the determination.

SEC. 5. Section 39.1 of said act is repealed.

SEC. 6. Section 41 of said act is amended to read:

SEC. 41. [The commission shall maintain a separate account for each employer, and shall credit his account with all the contributions paid on his own behalf. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund whether on his own behalf or on behalf of such individuals. Benefits paid to an unemployed individual during any benefit year shall be charged against the account of his employer during his base period; provided, that if such individual performed services in employment for more than one employer during his base period, benefits paid to such individual shall be charged against the respective accounts of such employers in the proportion that the total wages paid to such individual in employment for each such employer bears to the total wages paid to such individual in employment for all such employers during the base period. The maximum amount of benefits chargeable against employers' accounts by reason of benefits paid to any one individual for any one benefit year shall not be in excess of 18 times the weekly benefit amount of such individual for such benefit year.]

(a) The term "maximum charge-back liability," as used herein with respect to charges against employers' reserve accounts for unemployment insurance benefits paid to their former employees, means the maximum amount of such benefits payable to one unemployed individual in any one benefit year, as provided in Section 53, which is not more than eighteen times his weekly benefit amount.

(b) If an unemployed individual had only one employer in his base period, unemployment insurance benefits of not more than the maximum charge-back liability therefor which are properly paid him shall be charged against the reserve account of such employer. If such individual performed services in employment for more than one employer during his base period, the maximum charge-back liability during his benefit year shall be shared among his base period employers, the share of each such employer being in the same proportion to the maximum charge-back liability as the amount of taxable wages he paid such individual for employment within such period bears to the total taxable wages paid such individual for employment within such base period, and thereafter, unemployment insurance benefits of not more than the maximum charge-back liability therefor which are properly paid for such unemployed individual shall be charged to the respective reserve accounts of such employers in the proportion which the share of each bears to the maximum charge-back liability.

(c) Any employer who has employed an unemployed individual in employment at any time since the beginning of his base period may protest the eligibility or qualification of such individual for unemployment insurance benefits at any time in his related benefit year, and any benefits paid to an unemployed individual for the period following his disqualification for having voluntarily left, or having been discharged for misconduct from, employment which was his most recent subject employment, as elsewhere defined and provided for in this act, and before the end of the continuous period of unemployment which began with such disqualification, shall not be charged to any employer's reserve account: provided, however, that, if notice of such protest is not given to the department within the time prescribed elsewhere in this act, and if such unemployed individual is not disqualified by reason of any criminal violation of this act, the period of any such disqualification shall be fixed by the department as beginning as of the second business day after the business day on which the department receives such notice, in which case any benefit payments made otherwise properly before the beginning of such disqualification period shall not be considered as overpayments to the unemployed individual and shall be charged to one or more employers'

reserve accounts, as provided in subsection (b) of this section, as if such disqualification had not occurred.

(d) If an unemployed individual is found by the department to have voluntarily left, or been discharged for misconduct from, both as elsewhere defined in this act, employment by an employer during his base period who was not his most recent subject employer, such employer's reserve account shall not be charged for any benefit payments paid to such individual during his related benefit year, and the amount of what would otherwise have been such employer's share of the maximum charge-back liability for such payments shall not be charged to the reserve account of any employer; provided, that, if such employer has employed such unemployed individual for more than one period of continuous employment within such individual's base period, his reserve account shall be charged for his share with respect to each such employment period which was not ended by such individual's having voluntarily left, or having been discharged for misconduct from, employment by such employer; and provided, further that, if such employer shall not mail notice of protest of such charges to the department within five days after the department has mailed him notice of his potential liability for such charges to his reserve account, any such charges made prior to the second business day after the business day on which the department receives such notice shall stand as made.

SEC. 7. Section 41.5 of said act is amended to read:

Sec. 41.5. Whenever any employing unit acquires the organization, trade, or business, or substantially all of the assets thereof, or a distinct and severable portion of such organization, trade, or business of any employer, excepting in such case, any assets retained by such employer incident to the liquidation of his obligations (whether or not such acquiring employing unit was an "employing unit" within the meaning of Section 8.5 of this act prior to such acquisition), and continues such organization, trade, or business, or such distinct and severable portion thereof without substantial reduction of personnel resulting from such acquisition, the separate account, actual contribution and benefit experience and pay rolls of the predecessor or that part thereof, as determined by authorized regulations, which pertains to the organization, trade, or business, or portion thereof acquired, shall be transferred to the successor employer for the purpose of determining its rate of contribution after such acquisition with the same effect for such purpose as if the operations of the predecessor had at all times been carried on by the successor. Such separate account shall be transferred by the commission to such successor employer and, as of the date of such acquisition, shall become the separate account or part of the separate account, as the case may be, of such successor employer, and the benefits thereafter chargeable to such predecessor employer on account of employment relating to such transferred organization, trade, or business or transferred portion thereof prior to the date of such acquisition shall be charged to such separate account. This section shall not apply to any acquisition which is determined by the commission to have been made solely or primarily for the purpose of obtaining a more favorable rate of contribution under Section 39.

The provisions of this section shall apply to acquisitions prior as well as subsequent to the effective date of this act; provided, that notice of such acquisition shall have been given to the commission within one year of the date of such acquisition, or within ninety days after the effective date of this act, whichever is later; and provided further, that transfer of accounts with respect to acquisitions consummated prior to the effective date of this act, not previously authorized prior to said effective date, shall not affect any rate of contribution for any period prior to said effective date.

In event of a denial of application for transfer of reserve account, any interested party shall have the right to petition for hearing before the appeals board and the decision of the appeals board, after affording the parties reasonable opportunity for fair hearing, shall be final unless within sixty days after the mailing of the notice of determination of the appeals board any interested party may bring an action against the commission with respect to such determination to require the transfer of the reserve account as required by law. The commission, in writing, at any time prior to the expiration of said sixty-day period may extend the time during which such action may be instituted for a period not exceeding two years of the date of mailing of the determination of the appeals board.

(b) [The commission may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall in accordance with such regulations, upon application by two or more employers to establish such account or to merge their several individual accounts in a joint account, maintain such joint account, as if it constituted a single employer's account.] *Whenever an employer combines his operations, or any part of his individual operations with those of one or more other employers, or one or more others, to accomplish a contract or project as a joint venture and to pay wages to one or more individuals employed in employment by the joint venture from funds committed, advanced or charged to the joint venture, they shall jointly so notify the department, and the department shall then establish and maintain a separate joint employer-reserve account for the venture and shall compute the tax contribution rate applicable to wages paid by the venture as if the venture were a single employer; provided that, when such joint venture is terminated, the participants shall jointly so notify the department, stating the ratio of interest of each participant in the joint venture, and when all liability for charges*

for benefits against the reserve account of that joint venture shall have ceased, the department shall divide and transfer any debit or credit balance remaining in such joint reserve account to the separate reserve accounts of each of the employers who were also participants in the ratio of the participation of each to the participation of all of them in such joint venture; provided, however, that all participants in such a joint venture shall be jointly and severally liable for any money due the State from such venture under the provisions of this act; and provided, further, that the form, content and time for filing of notices prescribed by this subsection shall be in accordance with regulations necessary for the purposes of administration.

SEC. 8. Section 45.11 of said act is amended to read:

Sec. 45.11. [(a) If the commission determines that any amount of contributions, penalty or interest has been erroneously or illegally collected it shall set forth in its records the amount collected in excess of the amount legally due and the name of the employing unit or other person by whom it was paid and shall if a claim has not already been filed give notice to such employing unit or other person of such amount. The excess amount shall be credited on any amounts then due from or accrued against the employing unit and the balance shall be refunded to the employing unit or its successor, administrators or executors. No refund or credit shall be allowed, however, unless

(1) A claim therefor is filed with the commission within three years from the last day of the calendar month following the close of the calendar quarter for which the overpayment was made or with respect to assessments made under Sections 45.5 or 45.6 of this act within six months after the assessments become final or within sixty days from the date of overpayment, whichever period expires the later, and

(2) The employing unit conforms to authorized rules and regulations with respect to the refund to workers entitled thereto of any moneys deducted by the employing unit under Section 44 of this act.

Every claim shall be in writing and shall state the specific grounds upon which the claim is founded. Failure to file a claim with the commission or after denial thereof by the commission, to file a petition for review with the appeals board within the time prescribed by this section constitutes a waiver of any demand against the State or the commission on account of overpayment.

(b) The commission shall give notice to the claimant whenever it disallows any claim in whole or in part, notice to be served in the manner prescribed for service of notice of assessments under Section 45.5. Within thirty days of notice of disallowance, the claimant may file with the appeals board a petition for review of the claim. If the petition is filed within the time prescribed the appeals board shall review the claim and, if requested by the claimant, shall, unless a hearing has previously been afforded claimant on the same grounds on which the claim is based, grant a hearing before the board or its duly authorized representative, giving 10 days notice of the time and place of the hearing. Regardless of any prior proceedings, the claimant may file an affidavit setting forth new and additional evidence in support of his claim, and the appeals board may grant an additional hearing as provided in this section.

(c) Interest shall be allowed and paid only to the extent that interest and penalties collected under this act are available therefor upon any overpayment of contributions at the rate of six percent (6%) per annum from the date of overpayment to the date of the allowance of the refund or credit, provided, however that no interest shall be allowed if the commission determines that any overpayment has been made intentionally or by reason of negligence on the part of the employing unit.

(d) No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding, in any court against this State or against any officer thereof to prevent or enjoin under this act the collection of any contribution sought to be collected. No suit or proceedings shall be maintained in any court for the recovery of any amount of contributions, interest or penalties alleged to have been erroneously or illegally assessed or collected unless a claim for refund or credit has been filed pursuant to this section. Within ninety days after the mailing of the notice of the action by the appeals board upon a claim filed pursuant to this section, the claimant may bring an action against the commission on the grounds set forth in the claim in a court of competent jurisdiction in the County of Sacramento for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed; provided however, that the commission may in writing extend for a period of not exceeding two years the time within which such action may be instituted if written request for such extension is filed with the commission within the 90-day period. Failure to bring action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments. If the commission fails within sixty days to mail notice of an action on a claim after the claim is filed the claimant may consider the claim denied and file a petition for review of the denial with the appeals board as set forth in this section. If the appeals board fails to mail notice of action of any petition for review within ninety days after such petition is filed with the appeals board the claimant may consider the claim disallowed and may bring an action against the commission as provided herein.

If in any such action judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any contribution, interest and penalties due from the plaintiff under this act, and the balance of the judgment shall be refunded to the

plaintiff. In any such judgment, interest shall be allowed and paid only to the extent that interest and penalties collected under this act are available therefor, at the rate of 6 percent per annum upon the amount of contributions found to have been illegally collected from the date of payment thereof to the date of such judgment.]

(a) If the department determines that it has collected, illegally and erroneously, any amount of contributions, penalty, or interest from any employer, it shall refund to such employer or his successor, administrators or executors, the amount collected in excess of the amount legally due, or it shall credit such excess amount against any amounts that may then be due from, or accrued against, such employer and refund the balance, if any.

(b) If any employer determines that he has paid, illegally or erroneously, any amount of contributions, penalty or interest, he may file a claim to recover any amount paid in excess of the amount legally due. Such claim shall be in writing and shall state the specific grounds upon which the claim is founded. Failure to file a claim with the department or, after denial thereof by the department, to file a petition for review with the appeals board within the time prescribed by this section constitutes a waiver of any demand against the State or the department on account of overpayment.

(c) No refunds shall be made or credits allowed under subsection (a) of this section and no claims may be filed under subsection (b) of this section after three years from the last day of the calendar month following the close of the calendar quarter for which the overpayment was made, or, with respect to assessments made under Section 45.5 or 45.6 of this act, after six months after the assessments become final or after sixty days from the date of overpayment, whichever period expires the later, and in no circumstances shall any refund or credit be allowed to any employer who fails to conform to authorized rules and regulations with respect to the refund to workers entitled thereto of any moneys deducted by the employer under Section 44 of this act.

(d) The department shall give notice to the claimant whenever it disallows any claim in whole or in part, notice to be served in the manner prescribed for service of notice of assessments under Section 45.5. Within thirty days of notice of disallowance, the claimant may file with the appeals board a petition for review of the claim. If the petition is filed within the time prescribed, the appeals board shall review the claim and, if requested by the claimant, shall, unless a hearing has previously been afforded claimant on the same grounds on which the claim is based, grant a hearing before the board or its duly authorized representative, giving 10 days notice of the time and place of the hearing. Regardless of any prior proceedings, the claimant may file an affidavit setting forth new and additional evidence in support of his claim, and the appeals board may grant an additional hearing as provided in this section.

(e) Interest shall be allowed and paid, only to the extent that interest and penalties collected under this act are available therefor, upon any overpayment of contributions at the rate of six percent (6%) per annum from the date of overpayment to the date of the allowance of the refund or credit, provided, however, that no interest shall be allowed if the department determines that any overpayment has been made intentionally or by reason of negligence on the part of the employing unit.

(f) No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding, in any court, against this State or against any officer thereof, to prevent or enjoin under this act the collection of any contribution sought to be collected. No suit or proceedings shall be maintained in any court for the recovery of any amount of contributions, interest or penalties alleged to have been erroneously or illegally assessed or collected unless a claim for refund or credit has been filed pursuant to this section. Within ninety days after the mailing of the notice of the action by the appeals board upon a claim filed pursuant to this section, the claimant may bring an action against the department on the grounds set forth in the claim in a court of competent jurisdiction in the County of Sacramento for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed; provided, however, that the director may in writing extend for a period of not exceeding two years the time within which such action may be instituted, if written request for such extension is filed with the department within the 90-day period. Failure to bring action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments. If the department fails within sixty days to mail notice of an action on a claim after the claim is filed, the claimant may consider the claim denied and file a petition for review of the denial with the appeals board, as set forth in this section. If the appeals board fails to mail notice of action on any petition for review within ninety days after such petition is filed with the appeals board, the claimant may consider the claim disallowed and may bring an action against the department as provided herein.

If, in any such action, judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any contribution, interest and penalties due from the plaintiff under this act, and the balance of the judgment shall be refunded to the plaintiff. In any such judgment, interest shall be allowed and paid, only to the extent that interest and penalties collected under this act are available therefor, at the rate of six percent (6%) per annum upon the amount of contributions found to have been illegally collected from the date of payment thereof to the date of such judgment.

SEC. 9. Section 42 of said act is amended to read :

Sec. 42. [(a) The term "computation date" as used herein means :

(1) The close of business on December 31, 1940, for the purpose of establishing contribution rates for the period January 1, 1941, to and including June 30, 1941.

(2) The close of business on June 30, 1941, for the purpose of establishing contribution rates for the period July 1, 1941, to and including December 31, 1941.

(3) Also the close of business on June 30, 1941, for the purpose of establishing contribution rates for the calendar year 1942.

(4) Thereafter, the close of business on June 30th, of each calendar year for the purpose of establishing contribution rates for the next succeeding calendar year.

(b) The term "rating period" as used herein means :

(1) The period from January 1, 1941, to and including June 30, 1941, with respect to the computation date provided for in subsection (a) (1) of this section.

(2) The period from July 1, 1941, to and including December 31, 1941, with respect to the computation date provided for in subsection (a) (2) of this section.

(3) The calendar year 1942 with respect to the contribution date provided in subsection (a) (3) of this section.

(4) The full calendar year next succeeding any computation date provided for in subsection (a) (4) of this section.]

(a) *The term "computation date," as used herein with reference to experience rating, means the close of business on June 30th of each year for the purpose of computing contribution rates for the next succeeding calendar year.*

(b) *The term "rating period," as used herein, means the full calendar year next succeeding any computation date.*

(c) *The term "net balance of reserve" means the excess, if any, of credits required to be made to any employer's account as of any computation date over and above charges against such employer's account as of that computation date; provided, however, that, for the purpose of establishing the net balance of his reserve, no employer's account shall be credited with any part of his contribution to the Unemployment Fund which may be required to be paid as a pooled-payments part of his whole contribution, as provided in Section 39.*

(d) *The term "average base pay roll" means the quotient obtained by dividing by three the total amount of taxable wages payable or paid as the case may require, by an employer during the most recent period of three consecutive calendar years immediately preceding or ending on the computation date.*

(e) *The term "contributions paid on his own behalf" as used herein, means all contributions paid to the Unemployment Fund on behalf of an employer with respect to taxable wages paid or payable (as the case may require) by him on or before the computation date for determining a reduced contribution rate for any rating period; provided, however, that any part of his contribution to the Unemployment Fund which may be required to be paid as a pooled-payments part of his whole contribution, as provided in Section 39, shall not be considered in determining a reduced contribution rate; and provided, further, that such contributions, excluding additional amounts determined to be due as a result of an amendment under Section 41.1 (c) and paid on or before the delinquent date for the quarter in which he is notified of the determination, had been paid on or before the end of the calendar month next succeeding such computation date.*

(f) *The charge of benefits to an employer's account required by Section 41 of this act shall be made in such manner as to include as of each computation date all benefit payments made on or before the computation date.*

Sec. 10. Section 36 is added to said act, to read :

Sec. 36. (a) Each employing unit within fifteen days after becoming an employer as defined in Section 9 of this act shall register with the department on a form prescribed by the department.

(b) Any officer or employee of the Sales and Use Tax Division of the Board of Equalization authorized to accept an application for a seller's permit under Section 6066 of the Revenue and Taxation Code or authorized to register a retailer under Section 6226 of the Revenue and Taxation Code is hereby declared to be a duly authorized agent of the Department of Employment for purposes of accepting registrations of employers as required herein [.] and shall ask for and accept such registrations, in the course of their other usual duties, on a form prescribed by the Department of Employment.

(c) The Department of Employment [is hereby authorized to] shall reimburse the Board of Equalization for any additional costs incurred, including proportionate overhead costs, by reason of services by any of its officers or employees to the Department of Employment pursuant to the provisions of this section.

Sec. 11. Section 88 is added to said act, to read :

Sec. 88. It is the judgment of the Legislature that in order properly to safeguard the resources of the Unemployment Fund and to insure collection of all contributions due from employers under this act, an audit, examination or investigation should be made in the field of the records of each employer subject to the provisions of this act before the limitation period provided in Section 45.5(f) of this act for making a deficiency assessment has run with respect to contribution liability for any quarter involved. There shall accordingly be created in the Department of Employment a

field audit staff adequate for the purpose of making such an audit, examination or investigation of the records of each subject employer not less frequently than once every three years."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 921

Senator Dillinger moved that Senate Bill No. 921 be withdrawn from Committee on Social Welfare for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 921—An act to repeal Section 56 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

On page 1, in the title of the printed bill, strike out "repeal Section 56", and insert "amend Section 2".

Amendment No. 2

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 2 of the Unemployment Insurance Act is amended to read: Sec. 2 (a) This act is enacted as a part of a National plan of unemployment reserves and social security, and for the purpose of assisting in the stabilization of employment conditions. The imposition of the tax herein imposed upon California industry alone, without a corresponding tax being imposed upon all industry in the United States, would, by the corresponding penalty upon California industry, defeat the very purposes of this act set forth in Section 1. Therefore this act shall take effect only if and when there is enacted legislation by the United States Government providing for a tax upon the payment of wages by employers in this State, against which all or any part of the contributions required by this act may be credited.

Whenever such legislation enacted by the United States Government is repealed, amended, interpreted, affected or otherwise changed in such manner that no portion of the contributions required by this act may be thus credited, then upon the date of such change, the provisions of this act requiring contributions and providing for payments of benefits shall cease to be operative and any assets in the Unemployment Fund or Unemployment Administration Fund shall in the discretion of the State Treasurer be held in the then existing depositories or otherwise in the State Treasury. In the case of the Unemployment Administration Fund, such moneys may thereafter be dealt with by the State Treasurer pursuant to the conditions of the grant thereof to the State by the United States Government or agency thereof.

(b) If the federal bureau or official, then empowered by federal law to do so, shall hold, and shall officially so notify the California Employment Stabilization Commission, that any provision of this act is not in conformance with federal requirements, and that enforcement of such provision will result either in loss to the State of all or any part of any federal grant for administration of the State's employment service or unemployment insurance activities which it would otherwise receive, or in loss to any employer, who is subject both to this act and to any related federal tax, of any right to obtain any credit against such federal tax of any amount of the tax contributions required of him under this act which he would otherwise have, then the commission, unless such provision is expressly exempted from the provisions of this section, is authorized and directed to declare such provision not to be effective to the extent that such federal bureau or official shall have held it not to be in such conformance.

(c) If the commission shall declare any provision of this act not to be effective, as provided in subsection (b) of this section, it shall report such action, as soon as practicable, to the Governor, and to the Legislative Auditor, for his transmission, together with his recommendations, to the Joint Legislative Budget Committee of the California Legislature. Such report shall contain a statement of the facts and circumstances leading to such action, together with an appraisal, supported by statistics, if available, of the effects, on service to the public, to job applicants and to claimants under this act, and on the finances of the State and of employers subject to this act,

which would result if such provision so declared not to be effective were then to be made effective without regard to such holding of nonconformance. Such appraisal shall be of the net result of such a course, not only in terms of the possible loss of federal grant to the State or of tax credit to employers, but also in terms of the possible increased value of services and saving to the unemployment fund, to the end that such report shall be an aid to the Governor and the Legislature in determining whether or not it would be to the net benefit of the State to ignore such holding of nonconformance and, if necessary, to appropriate state funds to administer all or any part of this act."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 929

Senator Dillinger moved that Senate Bill No. 929 be withdrawn from Committee on Social Welfare for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 929—An act to amend Sections 75, 76, 83, and 93 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out lines 1 and 2, and insert "An act to amend Sections 43, 69, 70, 72, 75, 76, 77, 82, 83, 85, 90, and 93 of, and to add Sections 76.1, 78.1, 87, and 98 to, the Unemployment Insurance Act, relating to unemployment insurance."

Amendment No. 2

On page 1 of said bill, strike out line 5, and insert "shall be administered by the Department of Employment.

There shall be, in the department, a chief executive officer known as Director of the Department of Employment. The director shall be appointed by the Governor, subject to the approval of the Senate, and shall serve as director at the pleasure of the Governor at a salary at the rate of fifteen thousand dollars (\$15,000) per year.

There shall be, in the department, a deputy chief executive officer known as Deputy Director of the Department of Employment. The deputy director shall be appointed by the Governor upon nomination by the director, and shall serve as deputy director at the pleasure of the Governor at a salary at the rate of twelve thousand six hundred dollars (\$12,600) per year. The deputy director shall serve as the executive officer second in line of authority, subject to the direction of the director, and shall act as director in the absence from the State or incapacity of the director."

Amendment No. 3

On page 1 of said bill, strike out lines 6 to 20, inclusive.

Amendment No. 4

On page 1, line 21, of said bill, after "director", strike out ", and, as delegated, the deputy director".

Amendment No. 5

On page 1, line 24, of said bill, strike out "they", and insert "he".

Amendment No. 6

On page 1, line 27, of said bill, strike out "they", and insert "he".

Amendment No. 7

On page 2, lines 1 and 2, of said bill, strike out "referees and personnel for referees and the appeals board or others", and insert "members of the appeals board or personnel of the Appeals Division, as defined in Section 78.1(a)".

Amendment No. 8

On page 2, line 12, of said bill, after "Sections", insert "2".

Amendment No. 9

On page 2, line 24, of said bill, after "sions", insert " , except the Appeals Division,".

Amendment No. 10

On page 3, line 4, of said bill, after the second "director", strike out "shall be also commis-", and insert " , shall also be a commis-".

Amendment No. 11

On page 3, line 9, of said bill, strike out "equally".

Amendment No. 12

On page 3, line 10, of said bill, after "public", insert "in equal numbers".

Amendment No. 13

On page 3 of said bill, strike out lines 50 and 51, and insert

"(f) A full-time secretary of the commission, who shall not be a commissioner but who shall be responsible only to the commission, shall be appointed by, and serve at the pleasure of, a majority of the commissioners and shall be empowered to".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 14

On page 4 of said bill, after line 39, insert

"SEC. 5. Section 43 of said act is amended to read:

Sec. 43. [The commission shall investigate and report upon the degree of unemployment hazard in various industries and occupations and their cost to the unemployment fund. It shall recommend to employers in industries or occupations showing an excessive cost to the fund means for stabilizing employment. It shall also, if necessary, recommend to the Legislature a higher rate of contribution for any classification of industries or occupations in which unemployment is excessive or chronic.] *The commission shall investigate the degree of unemployment hazard in various industries and occupations and their cost to the Unemployment Fund, and, whenever it finds industries or occupations showing an excessive cost to the fund, it shall report its findings and recommend means for stabilizing employment to employers in such industries or occupations. The commission shall, also, biennially, on the fifth legislative day of each general legislative session, report to the Legislature on the reports and recommendations it has made to such employers, and, if it considers such action desirable, it shall recommend, to the Legislature, a higher rate of contribution for any classification of industries or occupations in which unemployment is excessive or chronic.*

SEC. 6. Section 77 of said act is amended to read:

Sec. 77. The California Unemployment Insurance Appeals Board, to consist of three members to be appointed by the Governor, subject to the approval of the Senate, is hereby created in the Department of Employment. Each member of such board shall devote his full time to the performance of its duties in this act defined and shall receive a salary of [ten] *twelve thousand dollars [(\$10,000)] (\$12,000)* per year. *After September 30, 1949, no new appointment to such board shall be made except from among incumbent or previous members or from among members in good standing of the California Bar.*

SEC. 7. Section 69 of said act is amended to read:

Sec. 69. To hear and decide appealed claims, the [commission] *appeals board, or such executive officer subject to its direction and control to which it may delegate such responsibility, shall appoint and direct the activities of one or more impartial referees [.] ; provided, however, that any such referee appointed after September 30, 1949, shall have successfully completed the equivalent of at least one full school year of the study of law in a law course at a law school recognized by the California authorities charged with admission to the California Bar. No referee shall participate in any case in which he is an interested party.*

SEC. 8. Section 78.1 is added to said act, to read:

Sec. 78.1. (a) The Appeals Division shall include the appeals board and its clerical staff and assistants and the referees and their supervisors and clerical staff and assistants.

(b) All personnel of the Appeals Division shall be appointed, directed and controlled only by the appeals board or its authorized deputies or agents to whom it may delegate such powers; provided, however, that operations of the Appeals Division shall be subject to the same fiscal controls and audits by the director as other subdivisions

of the department; and provided further, that the director shall furnish the equipment, supplies, housing and nonpersonal and housekeeping services necessary to the operations of the Appeals Division and shall perform such other mechanics of administration as the appeals board and the director may agree upon.

(c) The appeals board shall appoint a chief referee who shall be a member in good standing of the California Bar and whose duties shall include serving as the chief executive of the board in administration of the activities of referees and their staffs, and maintaining a continuous review of decisions of referees which are not appealed from in order to uncover those of such decisions which appear inconsistent with the law, with established judicial decisions, with prior decisions of the board or with each other and recommending such cases to the appeals board for certification to itself for a further hearing.

SEC. 9. Section 70 of the said act is amended to read:

Sec. 70. The manner in which disputed claims shall be presented, the reports required thereon from the claimant and from any employing unit and the conduct of hearings and appeals shall be in accordance with rules prescribed by the appeals board [.] ; *provided, however, that the appeals board shall require referees to consolidate for hearing cases with respect to which the alleged facts and the points of law are the same.* The appeals board or its representative and referees in hearings and appeals need not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure but may conduct the hearings and appeals in such manner as to ascertain the substantial rights of the parties. A full and complete record shall be kept of all proceedings in connection with disputed claims. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

In any proceeding, hearing, investigation or in the discharge of any duties imposed under this act any member of the [commission] *appeals board* and any duly authorized deputy, referee or employee designated by the [commission] *appeals board* shall have the power to administer oaths, take depositions, certify to official acts and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records.

Obedience to subpoenas issued in accordance with this section by any member of the [commission] *appeals board* or by any duly authorized deputy, referee or employee may be enforced by application to the superior court as set forth in Section 3531 of the Political Code.

No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda and other records before the deputy, referee, or any duly authorized representative of the [commission] *appeals board*, or the [commission] *appeals board*, or any obedience to the subpoena of any of them in any cause or proceeding before such persons on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or anything concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 10. Section 72 of said act is amended to read:

Sec. 72. Any party to a decision by a referee *or the director or his authorized deputy or authorized employee of the department* may appeal to the appeals board from such decision. The appeals board may on its own motion affirm, modify, or set aside any decision of a referee on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence. The appeals board may remove to itself or transfer to another referee the proceedings on any claim pending before a referee. The appeals board shall promptly notify the parties to any proceedings of its findings and decision. If the appeals board renders a decision allowing benefits, such benefits shall be paid regardless of any action or special proceeding which may thereafter be taken into any court, provided that if such decision is finally reversed no employer's account shall be charged with benefits so paid as to each such decision so reversed.

SEC. 11. Section 82 of said act is amended to read:

Sec. 82. If and wherever elsewhere in this act provision is made for a hearing before or an appeal to the commission in any matter pertaining to the payment of a benefit claim, the collection or computation of a contribution, or the propriety of a charge against an employer's account, such provision shall be construed to mean and provide for a hearing before or an appeal to the appeals board. The decision of the appeals board is final, except for such action as may be taken by judicial tribunal as permitted or required by law. *Unless and until any decision of the appeals board shall be altered or reversed by judicial tribunal, it shall be a binding precedent upon the Department of Employment and shall be followed in all instructions to department personnel; provided, however, that the director may appeal to a judicial tribunal from any decision of the appeals board in the same manner permitted any other interested party.*

SEC. 12. Section 90 of said act is amended to read:

Sec. 90. The commission notwithstanding any provision of this act to the contrary shall have the power and authority (by a majority of its members) to adopt, amend and rescind regulations for the administration of this act. No regulation, however, shall be adopted, amended, or rescinded until after a public hearing, of which at least ten days notice shall have been published in one or more newspapers of general publication and otherwise given in accordance with authorized regulations. Any person who at such a public hearing opposes the proposed adoption, amendment, or rescission of a regulation or requests a modification thereof shall be heard by the commission and the public hearing may be continued from time to time to give an opportunity for oral or written argument in support of such opposition or request. The regulation or the amendment or rescission of a regulation shall become effective after filing with the Secretary of State in accordance with the Government Code[.], *unless an appeal is taken to the appeals board as hereinafter in this section provided. If at any such hearing any person opposes the proposed rule or regulation or amendment or rescission thereof, or if any of the commissioners opposes it, on the ground that it is contrary to law or to legislative intent, any such person or such commissioner may, within ten day after its adoption by the commission, file a request for a hearing on the legality thereof before the appeals board. If such hearing is requested, the matter shall be heard by the appeals board within thirty days from the date of such request and the proposed rule or regulation or amendment or rescission thereof shall not become effective until and unless the appeals board has finally approved its legality. If it does finally approve, then notice shall be given and the rule or regulation or amendment or rescission thereof shall become effective after filing with the Secretary of State in accordance with the Government Code. The appeals board shall have the power and authority to promulgate rules or rescind rules pertaining to hearing appeals and other matters falling within the jurisdiction of the appeals board. Such rules shall become effective upon adoption by the appeals board and filing with the Secretary of State.*

SEC. 13. Section 85 of said act is amended to read:

Sec. 85. The [commission] director shall establish, within [an appropriate division of] the Research and Organization Division of the department, a [bureau,] section [or unit relating to] the function of which shall be education and public instruction for the purpose of informing employers and workers of their rights and responsibilities under this act, and of instructing the public generally concerning the basic purposes[,] and provisions of, and operations [of] pursuant to, [the] this [Unemployment Insurance Act.] act. Any such section hereby established in the department shall publish or otherwise disseminate information so that the general public shall be able to learn fully, and without difficulty, the basic purposes and provisions of, and operations pursuant to this act. All explanations, issued by the department, written or otherwise, that are intended to inform claimants for unemployment insurance benefits or the general public of the operation of the unemployment insurance program, shall give precedence to the free employment service facilities and, thereafter, any such explanation shall contain a statement that employees contribute nothing to the unemployment insurance fund, and that such statement be given emphasis equal to that of any other statement in such explanation.

SEC. 14. Section 87 is added to said act, to read:

Sec. 87. To the end that the provisions of this act are more strictly and adequately enforced, and to insure the maintenance of proper operating standards within the Department of Employment, there shall be created within the department a separate section, responsible directly to the director, to be known as the Internal Audit Section, the functions of which shall include a continuous audit of all records having to do with the payment of benefits in cash, an examination of records of benefit payment in conjunction with the records of wages earned by claimants during periods for which benefits are being paid, such examination to be conducted on a current basis, and such other functions having to do with proper internal controls or the integrity and efficiency of members of the staff of the Department of Employment as the director may from time to time determine.

SEC. 15. Section 98 is added to said act, to read:

Sec. 98. (a) The Department of Finance shall audit the internal financial transactions and records of the employment service and unemployment insurance programs, for each year of their operations, to the extent and in such form as the Governor may prescribe.

(b) Nothing in this act shall be construed as exempting the Department of Employment from the provisions of the Government Code relating to: (1) legal services and the costs thereof, (2) interagency services and transactions, or (3) periodic audits and supervision of fiscal affairs by the Department of Finance.

(c) When any service shall be performed, in accordance with requirements of law or by authorized agreement, by any other state agency for the Department of Employment, if such service is wholly with respect to activities of the department the administration of which is financed from a single special fund, such other agency shall be compensated for such service, in the amount prescribed by the Government Code, wholly from such single fund; but, if such service is with respect to activities of the department the administration of which is financed from more than one special

fund, such other agency shall be compensated for such service, in the amount prescribed by the Government Code, by proration of the total amount from each related special fund, in the proportion of the total amount reasonably calculated to have been incurred in relation to activities of which the administration is financed from such special fund, the proration of such amount among two or more such special funds to be made by the Department of Finance.

SEC. 16. Section 76.1 is added to said act, to read:

Sec. 76.1. The respective chiefs of the Employment Service Division, the Benefits Division, the Revenue Division, the Research and Organization Division, and the Controller Division, established within the department by Section 76 of this act, shall each be appointed by the Governor upon nomination by the deputy director with the concurrence of the director, and shall serve at the pleasure of the Governor. Each of such chiefs of division shall receive a salary at the rate of nine thousand six hundred dollars (\$9,600) per year."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1102

Senator Tenney moved that Senate Bill No. 1102 be withdrawn from Committee on Revenue and Taxation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1102—An act to amend Section 451 of the Revenue and Taxation Code, relating to inspection of taxpayers' statements.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "by the taxpayer".

Amendment No. 2

On page 1, line 8, of said bill, after the period, insert "Any document or summary of information required from or furnished by a taxpayer of confidential nature shall, at his request, be attached to his statement and shall constitute part of such statement for the purposes of this section."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1103

Senator Tenney moved that Senate Bill No. 1103 be withdrawn from Committee on Revenue and Taxation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1103—An act to amend Section 408 of the Revenue and Taxation Code, relating to records in the assessor's office.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 4 to 6, inclusive, and insert "not included within the provisions of Section 451 or expressly excepted herein, are public documents and shall be open to public inspection. Any document or information specially prepared or secured by the assessor for defense or prosecution of any law suit or appearance before a board of equalization to which the assessor or the county or city is a party is declared to be confidential information and not subject to the provisions of this section. The assessor may adopt reasonable rules for use by the public of all documents in his possession which will safeguard the preservation of the same and prevent public inspection from interfering with the use of such documents for official purposes."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

WITHDRAWAL FROM COMMITTEE OF SENATE CONSTITUTIONAL AMENDMENT NO. 3

Senator Tenney moved that Senate Constitutional Amendment No. 3 be withdrawn from Committee on Judiciary for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Constitutional Amendment No. 3—A resolution proposing to the people an amendment to the Constitution of the State by amending Section 8 of Article I, Sections 1, 1a, 4, 4b, 5, 11, 12, 14, 18, and 24 of Article VI, and repealing Sections 11a and 13 of Article VI, relating to courts of justice.

Resolution read.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

Strike out lines 3, 4, 5, and 6 of the title of the printed measure, and insert "State by amending Sections 1a, 4, 4b, 5, 11, 14, and 24 of Article VI, and to add Section 11.1 thereto, relating to courts of justice."

Amendment No. 2

On page 1 of said measure, strike out lines 7 to 27, inclusive, and on page 2 strike out lines 1 to 35, inclusive.

Amendment No. 3

On page 2, line 36, of said measure, strike out "Third", and insert "First".

Amendment No. 4

On page 2, line 41, of said measure, strike out "five", and insert "four".

Amendment No. 5

On page 2, line 43, of said measure, strike out "justices' courts", and insert "a municipal court, and one judge of an inferior court".

Amendment No. 6

On page 3, line 44, of said measure, strike out "Fourth", and insert "Second".

Amendment No. 7

On page 3, line 48, of said measure, after "arise in", insert "municipal or".

Amendment No. 8

On page 4, line 20, of said measure, strike out "Fifth", and insert "Third".

Amendment No. 9

On page 4, lines 27 and 28, of said measure, strike out "justices'", and insert "municipal, or in justices' or other inferior".

Amendment No. 10

On page 4, line 33, of said measure, after "criminal cases", insert "prosecuted by indictment or information,".

Amendment No. 11

On page 5, line 1, of said measure, strike out "Sixth", and insert "Fourth".

Amendment No. 12

On page 5, line 7, of said measure, strike out "justices'", and insert "municipal, justices', or other inferior".

Amendment No. 13

On page 5, line 13, of said measure, strike out "justices' ", and insert "municipal and in justices' and other inferior".

Amendment No. 14

On page 5, line 15, of said measure, after "Legislature may", insert ", in addition to any other appellate jurisdiction of the superior courts, also".

Amendment No. 15

On page 5, lines 19 and 20, of said measure, strike out ", and for the jurisdiction", and insert "wherein any municipal court is established, and for the constitution, regulation, jurisdiction, government and procedure".

Amendment No. 16

On page 5, line 23, of said measure, strike out "and justices' courts", and insert ", municipal courts and justices' courts in cities having a population of more than forty thousand inhabitants".

Amendment No. 17

On page 5, line 27, of said measure, strike out ". All" and insert "; provided that all".

Amendment No. 18

On page 5, line 37, of said measure, after "days.", insert "The process of any municipal court shall extend to all parts of the county or city and county in which the city is situated where such court is established, and to such other parts of the State as may be provided by law, and such process may be executed or enforced in such manner as the Legislature shall provide."

Amendment No. 19

On page 5, line 44, of said measure, after "superior court", insert "or in a municipal court".

Amendment No. 20

On page 6, line 3, of said measure, strike out "Seventh", and insert "Fifth".

Amendment No. 21

On page 6, line 5, of said measure, after "Sec. 11.", insert "In any city or city and county which is governed under a charter framed and adopted under the authority of this Constitution containing a population of more than forty thousand inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States, a municipal court may be established as in this article provided, except as set forth in Section 11.1 of the Constitution, anything in this Constitution to the contrary notwithstanding. For each such municipal court at least one judge with such additional judges as may be determined by the Legislature, shall be elected by the qualified electors of the city or city and county at the general municipal election. In any city, or city and county, in which such municipal court shall be established for which there shall be more than one judge the judges of such court may hold as many sessions thereof at the same time as there are judges thereof, and the business thereof shall be apportioned among such judges in the manner prescribed by law.

The Legislature shall provide by general law for the establishment of such municipal courts in cities or cities and counties in this section specified, and for the constitution, regulation, government, procedure and jurisdiction thereof.

The manner in which, the time at which, the term for which the judges, clerks and other attaches of municipal courts shall be elected or appointed, the number and qualifications of said judges and of the clerks and other attaches, except as such matters are otherwise provided in this article, shall be prescribed by the Legislature.

In any city or city and county where such municipal court has been established, and in townships situated in whole or in part in such city or city and county, there shall be no other court inferior to the superior court, except that the Legislature may provide for the establishment of such inferior courts.

Pending actions, trials, and all pending business of inferior courts within a city or city and county or township, upon the establishment of any such municipal court therein, shall, unless otherwise provided by law, be transferred to and become pending in such municipal court, and all records of such inferior courts shall be transferred to, and thereafter be and become records of, such municipal court.

Upon the establishment of any such municipal court, and until the first election and the qualification of the judge or judges thereof and the first appointment and the qualification of the clerks and other attaches thereof, the judges or justices, and the clerks and other attaches, of any existing inferior courts in such city, city and county, or township shall become and act as the judges, clerks and attaches respectively of such municipal court. Whenever any city having a municipal court is formed into a consolidated city and county with the combined powers of a city and county, under proceedings therefor as elsewhere in this Constitution provided, such municipal court shall thereupon and thereby be and become the municipal court of such city and county.

This amendment shall be effective on and after -----

Amendment No. 22

On page 7 of said measure, between lines 3 and 4, insert

"Sixth: That Section 11.1 be added to Article VI, to read as follows:":

Amendment No. 23

On page 7, line 4, of said measure, before "on and after", insert "Sec. 11.1."

Amendment No. 24

On page 7, lines 7 and 8, of said measure, strike out "each county of this State", and insert "the County of Los Angeles, and in the City and County of San Francisco, and in any county of this State irrespective of population wherein a majority of the electors of such county voting on the question of the adoption of the provisions of this section, in a manner to be provided for by the Legislature, shall vote in favor thereof,".

Amendment No. 25

On page 7, line 10, of said measure, strike out "now", and insert "then".

Amendment No. 26

On page 7, line 18, of said measure, strike out "fifty dollars (\$50)", and insert "three hundred dollars (\$300)".

Amendment No. 27

On page 7, lines 19, 20, 21, and 22, of said measure, strike out "No attorney at law or person other than the plaintiff and defendant shall take any part in the filing or the prosecution or defense of civil cases in the justices' court." and insert "In any case pending in any small claims court, no attorney at law or person other than plaintiff and defendant shall take any part in the filing or the prosecution or defense thereof. In any county in which this section shall become operative, the superior court and justices' court, wherever the same may be established, shall exercise the jurisdiction conferred by law upon municipal judges and justices of the peace to sit as a small claims court."

Amendment No. 28

On page 7, line 39, of said measure, strike out "11", and insert "11a".

Amendment No. 29

On page 7, line 40, of said measure, after "Constitution", insert ", who now will be subject to Section 11.1 of Article VI of the Constitution,".

Amendment No. 30

On page 8 of said measure, strike out lines 26 to 37, inclusive.

Amendment No. 31

On page 8, line 38, of said measure, strike out "Eleventh", and insert "Seventh".

Amendment No. 32

On page 9 of said measure, strike out lines 15 to 30, inclusive.

Amendment No. 33

On page 9, line 31, of said measure, strike out "Thirteenth", and insert "Eighth".

Amendment No. 34

On page 9, line 34, of said measure, after "superior court", insert "nor of a municipal court".

Amendments read, and adopted.

Resolution ordered printed, and re-referred to Committee on Judiciary.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 298

Senator Tenney moved that Senate Bill No. 298 be withdrawn from Committee on Judiciary for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 298—An act to add Article 10 to Chapter 4, Division 3, of the Business and Professions Code, relating to loyalty of attorneys.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 8 to 20, inclusive, and insert

"(a) I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion. So help me God.

(b) I do solemnly swear (or affirm) that I am not now a member of any organization pledged to support a foreign government against the United States in event of hostilities, and that I do not advocate, nor am I now a member of any political party or organization that advocates the overthrow of the Government of the United States, or of the State of California, by force or violence or any other unlawful means, except those specified as follows:

and that during such time as I am a member of the State Bar of the State of California, I will not become a member of any organization pledged to support a foreign government against the United States in event of hostilities, and I will not advocate nor become a member of any organization that advocates the overthrow of the Government of the United States, or of the State of California, by force or violence or any other unlawful means.

(c) I do further swear (or affirm) that I have never used or been known by any names other than those listed as follows:

(d) I do further swear (or affirm) that I have never been a member of, or directly or indirectly supported or followed any of the hereinafter listed organizations, except those that I indicate by an X mark.

(Herein may be listed, for evidentiary purposes, organizations designated as subversive and un-American by the Attorney General of the United States, or by congressional committees investigating un-American activities and the State Bar Association of this State may require an applicant for membership or a member to designate by a check mark the organizations of which he has been, or is, a member.)

----- (Signature)

Subscribed and sworn to before me this-----day of-----, 19-----

(Signature of an officer authorized by law to administer oaths.)"

Amendment read, and adopted.

Bill ordered printed, and referred to Committee on Judiciary.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 231

Senator Breed moved that Senate Bill No. 231 be withdrawn from Committee on Transportation for purpose of amendment and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 231—An act to amend Section 1170 of the Harbors and Navigation Code, relating to pilotage rates.

Bill read second time.

Motion to Amend

Senator Breed moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "rates", and insert "rate".

Amendment No. 2

On page 1 of said bill, strike out lines 7 to 11, inclusive, and insert "Five dollars and seventy-five cents (\$5.75) per draft foot of the vessel's deepest draft and fractions of a foot pro rata. The vessel's deepest draft shall be the maximum draft attained, on a still water basis, at any part of the vessel during the course of such transit inward or outward."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 710

Senator Salsman moved that the Senate Bill No. 710 be withdrawn from Committee on Financial Institutions for purpose of amendment and re-referred to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 710—An act to amend Section 10291.5 of the Insurance Code, relating to disability insurance, to prevent fraud and mistake, and unfair and reprehensible trade practices, and economically unsound insurance.

Bill read second time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 10291.5 of", and insert "add Section 10214 to".

Amendment No. 2

In the title of said bill, strike out lines 2, 3, and 4 and insert "to group life insurance."

Amendment No. 3

On page 1 of said bill, strike out lines 1 to 26, inclusive; and on page 2, strike out lines 1 to 31 inclusive, and insert

"SECTION 1. Section 10214 is added to Chapter 2 of Part 2 of Division 2 of the Insurance Code, to read:

10214. A policy, which otherwise complies with the requirements of this chapter and under which the entire premiums are to be paid by the employer from the employer's

own funds, may provide that a designated trustee shall be the beneficiary of all policy proceeds payable upon the death of an insured person to be held in trust in accordance with the terms of a trust agreement, separately approved by the commissioner and not a part of the policy. Such trust agreement shall be fair and equitable and not contrary to public policy, shall contain fair provisions for distribution of such proceeds to the legal or actual dependents, as classified in the trust agreement, of insured persons, and may provide that such proceeds or any part thereof which are not distributable under such trust agreement because there is no dependent entitled to receive the proceeds in accordance with the terms and conditions of the trust agreement may be used to reduce future premiums payable by the employer."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Brown moved that Senate Bill No. 655 be taken from the inactive file and re-referred to Committee on Governmental Efficiency.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Burns moved that Senate Bill No. 582 be taken from the inactive file and re-referred to Committee on Agriculture.

Motion carried.

CONSIDERATION OF DAILY FILE UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill No. 330—An act to amend Sections 20017, 20021.5, 20023, 20025, 20060, 20203, 20208, 20333, 20335, 20393, 20461.5, 20532, 20563, 20580, 20583, 20630, 20654, 20655, 20656, 20750.1, 20750.2, 20750.3, 20750.4, 20867, 20894.1, 21029, 21032, 21033, 21250, 21251, 21257, 21257.1, 21258, 21295, 21364, 21366, and 21454 of the Government Code, to repeal Sections 20654.5, 20750, 21455, and Article 2.5, comprising Sections 21000 to 21002, inclusive, of Chapter 8 of Part 3 of Division 5 of Title 2 thereof, and to add Sections 20609.1, 20685, 20750.5, and 21262 thereto, all relating to the State Employees' Retirement System.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 330?

Amendment No. 1

On page 6, line 42, of the printed bill, after "districts", insert "existing on July 1, 1949, or thereafter formed,".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 330 by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, and Williams—32.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 789—An act to amend Sections 10170 and 10375 of the Insurance Code, relating to life and disability policies.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 789?

Amendment No. 1

On page 1, line 18, of the printed bill, strike out "named", and insert "designated".

Amendment No. 2

On page 2, line 14, of the printed bill, strike out "named", and insert "designated".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 789 by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—32.

NOES—None.

Above bill ordered enrolled.

MOTIONS TO RECONSIDER

Senate Bill No. 1377—An act to amend Section 11000 of the Business and Professions Code, relating to real estate subdivisions.

Motion to Reconsider Senate Bill No. 1377

Pursuant to his motion previously made, Senator Breed moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 1377 was passed.

The roll was called, and Senate Bill No. 1377 refused reconsideration by the following vote:

AYES—Senators Breed, Collier, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Miller, O'Gara, Rich, Salsman, Watson, and Williams—15.

NOES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Desmond, Gibson, Hatfield, Johnson, Judah, Keating, Mayo, Parkman, Powers, Sutton, Swing, Tenney, and Ward—19.

Senate Bill No. 1377 ordered transmitted to the Assembly.

RECESS

At 2.48 p.m., on motion of Senator O'Gara, the Senate recessed to allow Senator O'Gara to introduce to the Senate Harold A. Keats, National Commander of the AMVETS, Ft. Lauderdale, Florida, and hear his remarks.

REASSEMBLED

At 2.55 p.m., the Senate reconvened.

Hon. Goodwin J. Knight, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

MESSAGES FROM THE ASSEMBLY**ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1949**

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 71

Assembly Concurrent Resolution No. 74

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Concurrent Resolution No. 71—Relative to approving amendments to the charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said City at a general municipal election held therein on the twelfth day of April, 1949.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 71, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 71

Assembly Concurrent Resolution No. 71—Relative to approving amendments to the charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said City at a general municipal election held therein on the twelfth day of April, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Swing, Tenney, Watson, and Williams—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 74—Approving five certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a primary nominating election held therein on the fifth day of April, 1949.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 74, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 74

Assembly Concurrent Resolution No. 74—Approving five certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a primary nominating election held therein on the fifth day of April, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Tenney, Watson, and Williams—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 1427—An act to amend Sections 3896 and 3897 of, and to repeal Article 13, comprising Sections 3741 to 3750, inclusive, of Chapter 11 of Division 2 of, and to add Section 3899 to, the Education Code, relating to the organization of high school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Donnelly moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, as amended in Senate April 27, 1949, between lines 45 and 46, insert

"Elections of such joint elementary school districts, to determine to which high school district the joint elementary school district shall be annexed, held between May 1, 1949, and the effective date of this section are hereby ratified, confirmed, and validated and have the same effect as elections held pursuant to this section."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Keating asked for, and was granted, unanimous consent to have Senate Bill No. 99 passed on file and retain its place on file until the next legislative day.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 23c to Article IV thereof, relating to the compensation of members of the Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Mayo, McBride, Miller, O'Gara, Parkman, Salsman, Tenney, and Watson—27.

NOES—Senators Hulse, Regan, Sutton, Swing, and Williams—5.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 114—An act to amend Section 4764 of the Health and Safety Code, relating to the borrowing of money by county sanitation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Miller, O'Gara, Parkman, Powers, Salsman, Sutton, Swing, Tenney, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 607—An act to amend Section 28151 of the Government Code, relating to compensation for public services in counties.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Watson, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 162—An act to amend Section 2540 of the Elections Code, relating to parties qualified to participate in a primary election.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Burns, Busch, Collier, Coombs, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Watson, and Williams—26.

NOES—Senator Drobish—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 532—An act to amend Section 5254 of the Welfare and Institutions Code, relating to the hearing of petitions for the commitment of mentally deficient persons and epileptic persons who are not insane.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 609—An act to add Section 5710 to the Welfare and Institutions Code, relating to information, records, and a directory concerning private institutions licensed by the Department of Mental Hygiene.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 610—An act to repeal Sections 219, 220, and 221 of the Welfare and Institutions Code, relating to the registration of charities.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 461—An act to add Section 12011.6 to, and to amend Sections 12024.5 and 12211 of, the Business and Professions Code, relating to containers and commodities therein.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Motion to Reconsider

Senator Desmond moved to reconsider the vote whereby Senate Bill No. 461 was passed.

Postponement of Reconsideration

On motion of Senator Desmond, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 461 was passed, was continued until the next legislative day.

Senate Bill No. 464—An act to amend Sections 20767 and 20773 of the Business and Professions Code, relating to motor fuel pump inspection and license fees.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Burns, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Jespersen, Johnson, Judah, Mayo, McBride, Miller, Parkman, Powers, Salsman, Sutton, Tenney, Ward, Watson, and Williams—24.

NOES—Senators Brown and Desmond—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 465—An act to amend Sections 20951 and 20952 of, and to add Sections 20806 and 20982 to, the Business and Professions Code, relating to petroleum products inspection and enforcement.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, Miller, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1615

Senator Tenney moved that Senate Bill No. 1615 be withdrawn from Committee on Judiciary for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1615—An act to add Section 690.5 to the Code of Civil Procedure, relating to exemptions from execution.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, after line 12, insert

"The exemption provided for in this section shall apply only to property which is actually occupied by the judgment debtor, and which is not exempt from execution or forced sale under the provisions of Division 2, Part 4, Title 5 of the Civil Code relating to homesteads."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1299

Senator Parkman moved that Senate Bill No. 1299 be withdrawn from Committee on Public Health and Safety for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1299—An act to amend Sections 20025, 20032, and 20131 of, and to add Sections 20006, 20032.1, and 20071.5, and Article 4.5 to Chapter 1, Part 1, Division 14 of, the Health and Safety Code, relating to police protection districts.

Bill read second time.

Motion to Amend

Senator Parkman moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 6, of the printed bill, as amended in Senate, April 21, 1949, strike out "the majority", and insert "two-thirds".

Amendment No. 2

On page 2, line 7, of said bill, strike out "taxpayers and residents thereof", and insert "registered voters therein".

Amendment No. 3

On page 2, line 10, of said bill, strike out "the majority of", and insert "two-thirds of the".

Amendment No. 4

On page 2, line 11, of said bill, strike out "taxpayers and residents of", and insert "registered voters in".

Amendment No. 5

On page 2, lines 34 and 35, of said bill, strike out "both freeholders and residents of", and insert "registered voters in".

Amendment No. 6

On page 3, lines 27 and 28, of said bill, strike out "both taxpayers and residents of", and insert "registered voters in".

Amendment No. 7

On page 3, line 29, of said bill, strike out "both taxpayers and residents of", and insert "registered voters in".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 961

Senator Burns moved that Senate Bill No. 961 be withdrawn from Committee on Business and Professions for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 961—An act to amend Section 4010 of the Business and Professions Code, relating to the powers of the Board of Pharmacy.

Bill read second time.

Motion to Amend

Senator Burns moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 4010", and insert "Sections 4009 and 4010 of, and to add Article 8, comprising Sections 4170 to 4182, inclusive, to Chapter 9, Division 2".

Amendment No. 2

In line 2 of the title of said bill, after "Pharmacy", insert "and the practice of analytical toxicology".

Amendment No. 3

On page 1, line 1, of said bill, strike out "4010", and insert "4009".

Amendment No. 4

On page 1 of said bill, between lines 2 and 3, insert "4009. The board may make such rules and regulations, not inconsistent with the laws of this State, as may be necessary for the protection of the public, and appertaining to the practice of pharmacy, *the practice of analytical toxicology*, and relating to the sanitation of all establishments and persons licensed by the board and of all establishments where any drug or medicine is manufactured, compounded or prepared, and provide for such standards of minimum equipment of establishments licensed by the board.

SEC. 2. Section 4010 of said code is amended to read: "

Amendment No. 5

On page 1, line 8, of said bill, strike out "chemical", and insert "analytical".

Amendment No. 6

On page 1 of said bill, after line 8, insert "SEC. 3. Article 8, comprising Sections 4170 to 4182, inclusive, is added to Chapter 9, Division 2, of said code, to read:

Article 8. Analytical Toxicology

4170. An analytical toxicologist means any person licensed by the board to practice analytical toxicology.

4171. Analytical toxicology means the analysis of any substance for the detection of poison.

4172. Any person of the age of 21 years, who has filed an application under oath on a form provided by the board, paid the fee required by this chapter and complied with the following requirements to the satisfaction of the board, shall be issued a license to practice analytical toxicology by the board.

(a) Furnished evidence that he is a citizen of the United States and over the age of twenty-one years.

(b) Furnished evidence satisfactory to the board of his good moral character and professional reputation, and that he has not been convicted of a felony or of a crime involving moral turpitude.

(c) Furnished evidence satisfactory to the board that the applicant has had seven years or more experience in toxicological work and is competent to practice as an analytical toxicologist, and successfully passing a written examination given by the board.

4173. Any person who within six months of the effective date of this chapter has filed an application on a form provided by the board showing satisfactory evidence that he is possessed of the requirements and qualifications as provided by Section 4172 shall be issued a license by the board to practice as an analytical toxicologist without written examination.

4174. Graduation from a college of pharmacy or a college of chemistry giving a four-year course and accredited by the board shall be considered as equivalent to four years of required experience, and the board may at its discretion, give credit as experience, not in excess of two years, for satisfactory postgraduate work in biochemistry, pharmacology or toxicology in such accredited colleges.

Teaching of toxicology, if of a character satisfactory to the board, shall be considered as experience in toxicological work.

4175. The board may require further evidence or testimony of an applicant for a license to practice analytical toxicology as to his character, qualifications or experience as the board deems necessary before issuing a license.

4176. The scope of examinations and the methods of procedure shall be prescribed by rules and regulations passed by the board. Said examinations shall be designed to conform to the following general principles: One division of the examination shall test the applicant's knowledge of biological, chemical, physical and mathematical sciences; and another division of the examination shall test the applicant's ability in analytical toxicology to apply his knowledge and experience and to assume responsible charge in the professional practice of analytical toxicology.

4177. Any person who practices or attempts to practice analytical toxicology or assists or aids any unlicensed person to practice analytical toxicology, or who advertises or holds himself out as practicing analytical toxicology without having at the time of so doing a valid unrevoked certificate as provided by this article, is guilty of a misdemeanor.

The provisions of this section do not apply to any person when working under the direct supervision of an analytical toxicologist.

4178. The serving of notice as provided in this article shall be given by registered mail at the last address appearing and shown upon the records of the board. Every licensee shall give immediate notice to the board of any change of his address.

4179. The board may suspend or revoke the license of an analytical toxicologist upon any of the following grounds. The proceedings under this article shall be conducted in accordance with Chapter 5, of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(a) The making of any false or fraudulent statement or representation in his application.

(b) The conviction of a felony or of any crime involving moral turpitude.

(c) The violation of any provisions of this article.

(d) Giving false testimony in any court of law, or who enters into any agreement in any manner to defeat the administration of justice.

(e) The using or assisting in the using of an expired or revoked or suspended license, or who falsely uses a license or seal of any other analytical toxicologist.

(f) The obtaining of any fee in connection with his professional practice by fraud or misrepresentation.

(g) The violation of Section 20752.5 of the Health and Safety Code.

(h) The habitual use of narcotic drugs, or becoming intoxicated or under the influence of liquor or hypnotics while on duty.

4180. Any person violating any of the provisions of this article is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50) or imprisonment in the county jail for not less than thirty days, or both such fine and imprisonment.

4181. The application fee for the registration as an analytical toxicologist is \$25. The license fee to practice analytical toxicology shall be \$10 and shall be renewed on or before the first day of November of each year.

4182. Every person applying for registration under this article shall pay to the secretary of the board the application fee provided by this chapter on filing his application, and which shall be compensation to the board for investigation or examination of the applicant."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 962

Senator Burns moved that Senate Bill No. 962 be withdrawn from Committee on Business and Professions for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 962—An act to add Section 4030.1 to the Business and Professions Code, relating to the practice of pharmacy.

Bill read second time.

Motion to Amend

Senator Burns moved the adoption of the following amendments:

Amendment No. 1

Strike out line 1 of the title of the printed bill, and insert

"An act to amend Sections 4013, 4031, 4039, 4063, 4090, 4095, 4096, 4221, 4236, and 4255 to, and to repeal Sections 4091, 4092, 4120, 4121, 4130, 4131, 4132, 4133, 4134, and 4135 of the Business and Professions".

Amendment No. 2

In line 2 of the title of said bill, after "pharmacy", insert ", and the sale of drugs".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1, strike out lines 1 to 6, inclusive, and insert

"SECTION 1. Section 4031 of said code is amended to read:

4031. This chapter does not apply to or interfere with anyone who holds a physician's and surgeon's certificate or certificate to practice chiropody and who is duly registered as such by the Board of Medical Examiners or the Board of Osteopathic Examiners of this State, with supplying his own patients with such remedies as [he may desire] *are necessary in the treatment of the condition for which he attends such patient* if he acts as their physician and is employed by them as such and if he does not keep a pharmacy, open shop or drug store, advertised or otherwise, for the retailing of medicines or poisons, and provided such persons keeps accurate records of medicines dispensed and that such medicines may not be dispensed by a nurse or attendant.

SEC. 3. Section 4039 of said code is amended to read:

4039. Each application to conduct a pharmacy shall be made on a form furnished by the board. Upon the approval of such application by the board and paying the fee required by this chapter for each pharmacy, the secretary of the board shall issue a permit to conduct a pharmacy under the provisions of Section 4038, if all of the provisions of this chapter have been complied with. The permit shall *not be transferable and shall be renewed annually on or before November 1st of each year.*

SEC. 4. Section 4063 of said code is amended to read:

4063. A license fee of twenty-five dollars is hereby levied upon all such itinerant vendors doing business in this State.

The [tax] annual fee shall be paid on or before the first day of January of each year to the Board of Pharmacy in the Department of Professional and Vocational Standards, for the use and benefit of the State of California, and shall constitute a special fund for the enforcement of this entire chapter.

For each license issued [or renewed] after the first day of January, the fee shall be reduced one-fourth for each three months' period which has elapsed since this date.

Any person who fails to pay the annual license fee [within thirty days after] *by the second day of February following the date it has become [due] payable* shall be liable to a penalty of [twenty-five] five dollars.

SEC. 5. Section 4090 of said code is amended to read:

4090. The board [may examine and] *shall* register as [pharmacists all applicants whom it deems qualified] *licentiates in pharmacy all applicants who meet the following requirements: (a) That the applicant is 21 years of age. (b) That the applicant has been graduated from a college of pharmacy or department of pharmacy of a*

university recognized by the board, which school or college of pharmacy or department of pharmacy of a university requires a resident attendance of not less than eight calendar months of each year of its course. The course in pharmacy shall consist of not less than 3,200 hours distributed over a period of not less than four years. Any student, however, may complete the required course of 3,200 hours in a lesser period of time, (c) That the applicant has had one year of practical experience in a pharmacy recognized by the board, (d) That the applicant has passed a written and practical examination given by the board.

SEC. 6. Section 4095 of said code is amended to read:

4095. A pharmaceutical year shall consist of not less than [2,300] 1,900 clock hours of pharmaceutical experience as defined by Section 4093.

SEC. 7. Section 4096 of said code is amended to read:

4096. Each applicant shall be of good moral character and temperate habits[.]:

[Except for an applicant who is applying under the terms of Section 4134,] he shall be a citizen of the United States, or, if eligible for citizenship and not a citizen, he shall have filed and proven his intention of becoming one. If citizenship is later denied to any person registered under this chapter, then such denial of citizenship shall automatically cancel all such registration and privileges.

SEC. 8. Sections 4091, 4092, 4120, 4121, 4130, 4131, 4132, 4133, 4134, and 4135 of the Business and Professions Code are repealed.

SEC. 9. Section 4221 of said code is amended to read:

4221. The board shall discipline the holder of any certificate, license or permit issued by the board, whose default has been entered or who has been heard by the board and found guilty, by any of the following methods:

(a) Suspending judgment.

(b) Placing him upon probation.

(c) Suspending his right to practice for a period not exceeding one year.

(d) Revoking his certificate.

(e) Taking such other action in relation to disciplining him as the board in its discretion may deem proper.

SEC. 10. Section 4236 of said code is amended to read:

4236. Every person who [, with intent to defraud,] signs the name of another, or of a fictitious person, knowing he has no authority so to do, or falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any medicine, drugs, narcotics or poisons is guilty of a forgery and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than fourteen years, or by imprisonment in the county jail for not more than one year.

SEC. 11. Section 4255 of said code is amended to read:

4255. The amount of the fees for investigation and examination of applicants for registration together with the amount of any additional fee to be paid upon the issuance of a certificate is that fixed by the schedule in Section 4256. [An applicant for registration by interchange may at his option be examined as a licentiate without further fee for application.]"

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

CONSIDERATION OF DAILY FILE (RESUMED)

SECOND READING OF SENATE BILLS

Senate Bill No. 280—An act to add Article 5 to Chapter 2, Division 4, Title 1 of the Government Code, relating to public employees' loyalty oaths and checks.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 515—An act to add Section 1106 to the Labor Code, relating to the hiring and discharging of employees.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 685—An act to add Section 5044.5 to the Education Code, relating to school district public works.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 3, of the printed bill, after "board", insert "by the adoption of rules".

Amendment No. 2

On page 1, line 7, of said bill, after "housing", insert "of a character".

Amendment No. 3

On page 1, line 8, of said bill, strike out "scope of this bill" and insert "purposes of this chapter".

Amendment No. 4

On page 1, line 9, of said bill, after "allotment.", insert "The board may make exceptions when it determines that it will be for the benefit of the children affected.

In adopting rules the board may provide for the granting of priority points to govern the allocation according to the following schedule:

(a) Two priority points may be granted for each percent of the latest computed average daily attendance of the district that is inadequately housed. The number of inadequately housed students is the latest computed average daily attendance of the district less the sum of (1) any classrooms up to a total of two, multiplied by 25, and (2) any classrooms in excess of two, multiplied by 33. The term "classrooms" (for the purposes of this computation) shall mean any school classrooms, temporary and permanent, determined by the Department of Education to be safely usable.

(b) One priority point may be granted for each 5 percent of the latest computed average daily attendance of the district that represents an increase over the average daily attendance for the fifth preceding school year."

Amendment No. 5

On page 1 of said bill, strike out lines 10 to 18, inclusive, and insert "(c) One point of priority may be granted for each one-twentieth of".

Amendment No. 6

On page 1, lines 21 and 22, of said bill, strike out "within each of the last five completed fiscal years of the district.", and insert "since July 1, 1944."

Amendment No. 7

On page 1, line 25, of said bill, before "Not", insert "(d)".

Amendment No. 8

On page 1 of said bill, after line 27, insert

"If any computation of priority points made under this section results in a fraction of a point, such fraction shall be disregarded and the number of priority points shall be taken as the next lowest whole number."

Amendment No. 9

On page 2 of said bill, strike out lines 6 to 8, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 625—An act to amend Section 6803 of the Education Code, relating to daily attendance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out the first comma.

Amendment No. 2

On page 1, line 10, of said bill, strike out "must", and insert "shall".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1331—An act to add Section 11004 to the Elections Code, relating to petitions for the recall of state officers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1622—An act to add Article 4.5 to Chapter 13 of Division 2 of the Education Code, relating to the annexation of high school districts to junior college districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 797—An act to amend Sections 2141, 2142, 2319, 2426, and 2435 of the Business and Professions Code, relating to the practice of the healing arts and the regulation and licensing thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended in the Senate on March 18, 1949, strike out the words "for the first offense".

Amendment No. 2

On page 1 of said bill, strike out the words "A second or subsequent offense is a felony, punishable by" in line 16, and strike out lines 17 to 20, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 377—An act to add Section 13001.2 to the Education Code, relating to the confirmation of prior employment of certificated employees of school districts, and the conditions therefor.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2374—An act to amend Section 13836 of the Education Code, relating to the payment of salaries of certificated employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 646—An act to amend Section 7408 of the Education Code, relating to school district bond elections.

Bill read second time, and ordered to third reading.

Assembly Bill No. 651—An act to add Section 18707 to the Education Code, relating to the sale of materials by school districts to pupils.

Bill read second time, and ordered to third reading.

Assembly Bill No. 652—An act to amend Section 11671 of the Education Code, relating to textbooks for pupils in classes for adults.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1381—An act to amend Sections 16461, 16462, and 16463 of the Education Code, relating to the supervision of the health of public school pupils by county superintendents of schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 642—An act to add Section 1301.1 to the Education Code, relating to the employment of assistant and deputy superintendents of school districts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 4, of the printed bill, after "schools", insert "and having an average daily attendance of 1,500 or more pupils".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 252
Assembly Bill No. 781
Assembly Bill No. 873
Assembly Bill No. 991
Assembly Bill No. 976
Assembly Bill No. 1344
Assembly Bill No. 1364
Assembly Bill No. 1627
Assembly Bill No. 1688
Assembly Bill No. 1653
Assembly Bill No. 1657
Assembly Bill No. 1659
Assembly Bill No. 1667
Assembly Bill No. 1668
Assembly Bill No. 1753
Assembly Bill No. 2031
Assembly Bill No. 2079
Assembly Bill No. 2480

Assembly Bill No. 2481
Assembly Bill No. 2558
Assembly Bill No. 2561
Assembly Bill No. 2562
Assembly Bill No. 2563
Assembly Bill No. 2564
Assembly Bill No. 2565
Assembly Bill No. 2566
Assembly Bill No. 2567
Assembly Bill No. 2568
Assembly Bill No. 2570
Assembly Bill No. 2571
Assembly Bill No. 2572
Assembly Bill No. 2574
Assembly Bill No. 2575
Assembly Bill No. 2576
Assembly Bill No. 2606
Assembly Bill No. 2607

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 36

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 252—An act to add Section 7114 to the Health and Safety Code, relating to authorizations for the performance of autopsies.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 781—An act to amend Section 690.24 of the Code of Civil Procedure, relating to the value of motor vehicle exempt from execution.

Referred to Committee on Judiciary.

Assembly Bill No. 873—An act to amend Sections 651, 659, 660, 663, 666.5, and 667 of the Fish and Game Code, relating to salmon.

Referred to Committee on Fish and Game.

Assembly Bill No. 991—An act to amend Section 2943 of the Penal Code, relating to discharge of prisoners.

Referred to Committee on Judiciary.

Assembly Bill No. 976—An act to amend Section 103g of the Code of Civil Procedure, relating to justices of the peace in cities of the second class.

Referred to Committee on Judiciary.

Assembly Bill No. 1344—An act to amend Section 44 of the Public Utilities Act, approved April 23, 1915, relating to public utilities.

Referred to Committee on Public Utilities.

Assembly Bill No. 1364—An act making an appropriation in augmentation of the appropriation in Item 341 of the Budget Act of 1948, for educational assistance to veterans, Department of Veterans' Affairs, to take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 1627—An act to add Section 834 to the Welfare and Institutions Code, relating to procedure in the juvenile court concerning minors alleged to have committed violations of law.

Referred to Committee on Judiciary.

Assembly Bill No. 1628—An act to add Sections 578.2, 760, 761, 762, 763, and 764 to, and to amend Sections 826 and 827 of the Welfare and Institutions Code, relating to juvenile court procedures with respect to traffic misdemeanors committed by minors.

Referred to Committee on Judiciary.

Assembly Bill No. 1653—An act to add Section 703 to the Welfare and Institutions Code, to amend Section 1504 of the Penal Code, and to amend Sections 166, 259, and 259a of the Code of Civil Procedure, relating to writs of habeas corpus by or on behalf of minors.

Referred to Committee on Judiciary.

Assembly Bill No. 1657—An act to add Section 729.5 to the Welfare and Institutions Code, relating to the protection of minors.

Referred to Committee on Judiciary.

Assembly Bill No. 1659—An act to add Section 1752.15 to the Welfare and Institutions Code, relating to contracts for the extension of services by counties to the Youth Authority.

Referred to Committee on Judiciary.

Assembly Bill No. 1667—An act to amend Section 726 of the Welfare and Institutions Code, relating to the issuance of a citation to appear.

Referred to Committee on Social Welfare.

Assembly Bill No. 1668—An act to amend Section 17 of the Penal Code, relating to the determination of the degree of offense upon commitment to the Youth Authority.

Referred to Committee on Judiciary.

Assembly Bill No. 1753—An act to amend Section 6727 of the Welfare and Institutions Code, relating to the furnishing of needed clothing or money to patients discharged, paroled, or on leave of absence from state hospitals.

Referred to Committee on Social Welfare.

Assembly Bill No. 2031—An act to amend Section 428.5 of the Vehicle Code, relating to sale of certain vehicles by lienholder.

Referred to Committee on Transportation.

Assembly Bill No. 2079—An act to amend Section 802 of the Fish and Game Code, relating to taking of abalones.

Referred to Committee on Fish and Game.

Assembly Bill No. 2480—An act to amend Section 3212.5 of the Labor Code, relating to workmen's compensation benefits for members of the State Highway Patrol.

Referred to Committee on Labor.

Assembly Bill No. 2481—An act to amend Section 3212 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 2558—An act to amend Section 1338 of the Penal Code, relating to notice of conditional examination of witnesses.

Referred to Committee on Judiciary.

Assembly Bill No. 2561—An act to amend Section 283 of the Penal Code, relating to punishment for bigamy.

Referred to Committee on Judiciary.

Assembly Bill No. 2562—An act to amend Section 273d of, and to add Section 273 to, the Penal Code, relating to wilful corporal injury to wife or child.

Referred to Committee on Judiciary.

Assembly Bill No. 2563—An act to amend Section 1335 of the Penal Code, relating to conditional examination of witnesses.

Referred to Committee on Judiciary.

Assembly Bill No. 2564—An act to amend Section 3051 of the Penal Code, relating to persons sentenced for petty theft after felony conviction.

Referred to Committee on Judiciary.

Assembly Bill No. 2565—An act to amend Sections 1157 and 1192 of the Penal Code, relating to the degree of crime.

Referred to Committee on Judiciary.

Assembly Bill No. 2566—An act to amend Section 4550 of the Penal Code, relating to rescues.

Referred to Committee on Judiciary.

Assembly Bill No. 2567—An act to amend Section 3704 of the Penal Code, relating to insane persons sentenced to death.

Referred to Committee on Judiciary.

Assembly Bill No. 2568—An act to amend Section 1476 of the Penal Code, relating to writs of habeas corpus, and the manner of indicating presentation thereof and the action of the court thereon.

Referred to Committee on Judiciary.

Assembly Bill No. 2570—An act to amend Section 405 of the Penal Code, relating to punishment for riot.

Referred to Committee on Judiciary.

Assembly Bill No. 2571—An act to amend Section 489 of the Penal Code, relating to the punishment for the crime of grand theft.

Referred to Committee on Judiciary.

Assembly Bill No. 2572—An act to repeal Section 496 and to amend and renumber Section 496bb of the Penal Code, relating to buying, receiving, concealing, or withholding stolen property, and prescribing penalties for violation of the provisions thereof.

Referred to Committee on Judiciary.

Assembly Bill No. 2574—An act to repeal Section 681 of the Penal Code as added by Chapter 583 of the Statutes of 1913 and to add Section 2654a to the Penal Code, relating to the punishment and treatment of persons in state, county and city institutions.

Referred to Committee on Judiciary.

Assembly Bill No. 2575—An act to amend Section 1260 of the Penal Code, relating to appeals.

Referred to Committee on Judiciary.

Assembly Bill No. 2576—An act to amend Sections 27700, 27703, 27705, 27706, 27708, 27709, and 27710, of the Government Code, to add Sections 27705.1 and 27711 thereto, and to repeal Section 27707 thereof, relating to public defenders.

Referred to Committee on Judiciary.

Assembly Bill No. 2606—An act to amend Section 6729 of the Welfare and Institutions Code, relating to persons discharged from a state hospital.

Referred to Committee on Judiciary.

Assembly Bill No. 2607—An act to amend Section 1664 of the Probate Code, relating to the discharge of a person from a facility of the Veterans Administration.

Referred to Committee on Judiciary.

Assembly Joint Resolution No. 36—Relating to securing funds from the Federal Security Agency to pay for an adequate annual audit of the Department of Employment.

Referred to Committee on Social Welfare.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 667

Assembly Bill No. 2193

Assembly Bill No. 3032

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 667—An act to amend Section 314 of the Vehicle Code, relating to operators' and chauffeurs' licenses.

Referred to Committee on Transportation.

Assembly Bill No. 2193—An act to amend Section 6 of an act entitled "An act to authorize the Department of Finance to acquire surplus housing facilities for resale to farmers, making an appropriation therefor and declaring the urgency thereof, to take effect immediately," approved July 10, 1947 (Chapter 1352, Statutes of 1947), relating to the expiration date thereof.

Referred to Committee on Agriculture.

Assembly Bill No. 3032—An act to amend Section 469 of the Vehicle Code, relating to railroad warning approach signs.

Referred to Committee on Transportation.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution 73

Assembly Concurrent Resolution 75

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Concurrent Resolution No. 73—Relative to a study by the Judicial Council of the Juvenile Court of the State and the feasibility of the establishment of a family and children's court.

Referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 75—Relative to Michael J. Burns, Third Senatorial District.

Referred to Committee on Rules.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Powers, ordered printed in the Journal:

SAN FRANCISCO, CALIF., April 22

*Hon. Harold Powers, President pro Tempore
California State Senate
State Capitol, Sacramento, Calif.*

In reply to your inquiry as to veracity of story in San Francisco Call on date of April 26 I refer you to story in San Francisco News of April 27 which is an accurate account of my statement. I did not on the occasion of my talk on the twenty-sixth nor at any other time make charges against any present or past Member of the Senate as inferred in story of twenty-sixth. I always have had and have now utmost regard for men who are my colleagues in the State Senate. I believe you and those who served with me know me well enough to feel that I treasure the friendships made during the period of my service. It is unfortunate that a story twisting my remarks was released which created anxiety and resentment amongst my friends. I sincerely hope that you will assure Members of the Senate that the story in the San Francisco Call was not a true report of what I said and I again refer you to the story in the San Francisco News which is a far more accurate report of my remarks. May I say I very greatly appreciate your inquiry on this matter and sincerely hope that you will convey the substance of this telegram to Members of the Senate. A letter containing the clipping of the News story will follow.

JOHN P. SHELLEY
President, California State Federation of Labor

ADJOURNMENT

At 4.05 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Wednesday, May 4, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTY-FOURTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, May 4, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Preston, teacher, Mrs. Davis, Mrs. Rood and the following students of the U. S. History Class of Geyserville Union High School of Geyserville: George Amaroli, Willie Faye Bray, Patricia Cake, William Carroll, Darlene Coon, Dolores Coon, Clarence Davis, Evelyn Frambrini, Jack Jarman, Tom Lombardi, Elbert Peacock, Jerry Rose, Luella Schenkenberger, and Russell Smith.

On request of Senators Abshire and Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Lester Green of Redwood City.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Andrews of Modesto.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. M. C. Fullenwider of Riverside.

On request of Senator Watson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Rodney E. Bacon of Santa Ana, and Col. and Mrs. R. R. Bacon of Claremont.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. B. DeGolia, President, Sir Francis Drake Hotel of San Francisco.

On request of Senators Breed and O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rear Admiral and Mrs. Murrey Royar, U.S.N., Supply Officer in Command, Naval Supply Center, Oakland.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sisters Mary Bernard, P.B.V.M., Mary Lucia, P.B.V.M., Mrs. Dickson, Mrs. Antezak and the following students of the School of Epiphany of San Francisco: Marie Ahern, Raymond Allara, John Ed. Antezak, Donald Blanchard, Shirley Barsi, Donald Baroni, Beverly Blanco, Raymond Bottarini, Rene Boullet, Dolores Cahill, George Carli, Geraldine Cernach, Michael Ciraolo, Joan Dallara, Adrienne DeCarlo, Donald DeMeyer, Dolores Desmond, Theresa Desmond, Carl Dickson, Noreen Dowrick, Lloydine Euing, Salvatore Fanciullo, Anthony Fraga, Anna Garcia, Barbara Gehlen, Albina Grappoli, Ellen Griffin, Richard Hodge, Loretta LaFata, Patricia Lagrave, Michael Lappin, Rita Lynch, Beverly Maas, Danny MacDonald, Carolyn Mowry, Margaret Murphy, Jeanmarie Myers, Jacqueline Neiss, Jeanne Noel, Patricia O'Brien, Edmond Palmieri, Robert Payne, Mary Ann Reardon, Geraldine Russo, Lawrence Sintek, George Soetje, Tania Sokol, Angela Spediacci, Shelia Sullivan, Fredericka Walters, and Evelyn Wittwer.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John J. Knezevich of Palos Verdes Estates.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. John Myers of Sacramento.

On request of Senators O'Gara, Miller, and Regan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sister M. Regina, C.S.J., Sister M. Angela, C.S.J., Sister Anna Louise, C.S.J., Sister John Berchmanns, C.S.J., and the following students of Ecole Notre Dame des Victoires (Our Lady of Victory) of San Francisco: Rosemarie Allen, Joan Branan, Mary Conroy, Lita Belluomini, Betty Foubert, Lucretia Helmly, Theresa Lawless, Mary Ann Lynch, Louise Perez, Carol Newsom, Doris Swanson, Bette White, Jacqueline Araldo, Joan Brasquier, Patsy Cleary, Jewell de Foe, Marilyn Feerick, Mary Kappeler, June Leofanti, Elaine Marchetti, Beverly Portello, Elsa Puthoff, Joan Thompson, Patricia Murphy, Joanne Smith, Shirley Ann O'Neill, Marie Therese Tamborini, Patricia Carstensen, Naomi Balthazar, Marion Terheyden, Carolyn Lodi, Joyce Devereux, Betty Haster, Ann Ashburn, Lydia Sequiera, Dorothy St. Leger, Bernadette Murphy, Claire Larson, Patricia Collins, and Barbara Kaler.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 50

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1082—An act to add Division 12 to the Water Code, thereby revising and consolidating the law relating to county water districts, including provisions for the supervision, regulation, and conduct of such districts, and to repeal certain acts specified herein;

Senate Bill No. 1083—An act to add Section 30063 to the Water Code, relating to publication of notices in connection with county water districts;

Senate Bill No. 1084—An act to amend Section 30762 of the Water Code, relating to nominations of county water district directors;

Senate Bill No. 1085—An act to amend Sections 30295, 30364, 30700, 31406, and 31412 of the Water Code, relating to county water districts and their elections;

Senate Bill No. 1086—An act to repeal Chapter 6, comprising Sections 30360 to 30365, inclusive, of Part 2 of Division 12, and to amend Sections 30291, 30292, 30294, 30295, and 30501, of the Water Code, relating to county water districts, their formation and elections;

Senate Bill No. 1087—An act to amend Sections 30296, 30365, 30702, 31411, and 32696 of the Water Code, relating to county water districts and the canvass of election returns;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of May, 1949, at 10 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1088—An act to amend Section 30061 of the Water Code, relating to county water districts;

Senate Bill No. 1089—An act to add Section 30706 to the Water Code, relating to county water districts;

Senate Bill No. 1090—An act to add Section 31793.5 to the Water Code, relating to county water districts;

Senate Bill No. 1091—An act to amend Sections 30701 and 30702 of the Water Code, relating to county water districts;

Senate Bill No. 1095—An act to amend Sections 31701 and 31790 of the Water Code, relating to county water districts;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of May, 1949, at 10 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 280

Senate Bill No. 1331

Senate Bill No. 515

Senate Bill No. 1622

Senate Bill No. 625

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1427

And reports the same correctly re-engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 3, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 46

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported resolution ordered to third reading.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 91

WHEREAS, The Senate, by Senate Resolution No. 10, adopted on January 3, 1949, created the Senate Legislative Process Committee, defined its powers and duties and appropriated funds for the conduct of its work; and

WHEREAS, Such funds will soon be exhausted; now, therefore be it

Resolved, That the sum of \$40,000, or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the Senate Legislative Process Committee and its members, and for any charges, expenses or claims it may incur under Senate Resolution No. 10, hereinabove referred to, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Cunningham, Desmond, Donnelly, Drobish, Gibson, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Ward, and Watson—25.

NOES—None.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 605

Senator Breed moved that Senate Bill No. 605 be withdrawn from Committee on Financial Institutions for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 605—An act to amend Section 11493 of, and to add Section 11511 to, the Insurance Code, relating to nonprofit hospital service corporations and plans.

Bill read second time.

Motion to Amend

Senator Breed moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out all of the first line of the title and insert "An act to amend Sections 11493, 11505, and 11508 of, and to add Sections 11511 and 11515 to".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 3 through 10, inclusive, and insert

"11493. "Hospital services," as used in this chapter, may include *the providing of any or all of the following [services]*:

(a) [M]aintenance and care in the hospital, including but not limited to: Nursing care, drugs, medicine *s*, supplies, physiotherapy, transportation, and use of facilities and [material] appliances [and their upkeep, and indemnification];

(b) reimbursement of the beneficiary or subscriber for [costs and expense of professional medical service rendered during hospitalization] amounts paid to the hospital by him for any of the items included in subdivision (a);

(c) payment for the costs and expenses of professional medical services incurred by the beneficiary or subscriber and rendered during hospitalization; or

(d) in respect to corporations possessing an unrevoked certificate issued pursuant to Section 11511, the payment for the costs and expenses of professional medical services incurred by the beneficiary or subscriber."

Amendment No. 3

On page 1 of said bill, strike out lines 11 through 17, inclusive, and insert

"SEC. 2. Section 11505 of the Insurance Code is amended to read:

11505. The Commissioner of Insurance shall not issue or *renew* his certificate of authority to any corporation proposing to establish, maintain or operate a nonprofit hospital service plan until such corporation shall have established:

(a) That the corporation has entered into contracts with hospitals in the State of California holding certificates of approval issued by the State Department of Public Health and having an aggregate bed capacity sufficient to render the services contemplated to be furnished under the hospital service plan to persons in the State of California.

(b) That the contract proposed to be entered into by such corporation with those who may become subscribers is not such as will work a fraud or injustice upon such subscribers or any person.

(c) That a schedule of the rates, dues, fees or other periodic charges to be [imposed upon] paid by subscribers [and the fees, rates, or other considerations to be paid for services rendered to subscribers,] and the same are not such as will, after providing for such legal reserves as are required by Section 11508 [the Insurance Commissioner may deem necessary and reasonable], result in the accumulation of excessive reserves or surpluses by [profit to] such corporation and are such as will enable such corporation to furnish or provide the hospital services which it proposes to make available to its beneficiaries and subscribers without impairment of its [the] legal reserves [fixed and required by the Insurance Commissioner,] and without a constant depletion of the assets of such corporation. A reserve or surplus over and above all approved and required reserves in an amount in excess of the average annual gross income of such corporation for the immediately preceding three calendar years shall be prima facie an excessive accumulation."

Amendment No. 4

On page 1 of said bill, following line 17 thereof, insert

"SEC. 3. Section 11508 of the Insurance Code is amended to read:

11508. A corporation organized hereunder shall be deemed to be insolvent if its reserve fund shall be impaired so as to be less than the amounts set forth in Section 11507. For the purposes of determining such insolvency and the financial condition of such a corporation, and also for the purposes of preparation of annual statements and the provisions of Section 11505 and all other purposes not otherwise expressly provided for in this chapter such a corporation shall be subject to all requirements of this code as to assets, liabilities and reserves which are applicable to mutual nonassessable legal reserve disability insurers. [In determining whether there has been an impairment of the reserve fund of the hospital service corporation the unexpired portions of all premiums, dues or other payments received by and paid to the corporation on contracts then in force shall be deemed a liability.]"

Amendment No. 5

Following Amendment No. 4, insert

"SEC. 4. Section 11511 is added to the Insurance Code, to read:

11511. If any corporation subject to this chapter has a reserve of admitted assets over all liabilities in excess of two hundred fifty thousand dollars (\$250,000), upon its written request the commissioner shall issue to it his certificate stating such fact. Whenever the commissioner finds such fact does not exist he shall revoke and require the surrender of such certificate. Upon any such revocation the corporation shall cease to enter into or to renew any contracts providing for the payment for the costs and expenses of professional medical services (other than those rendered during

hospitalization) incurred by the beneficiary or subscriber, except that it may continue to carry out in good faith its obligations under any such contract which was entered into prior to such revocation up to but not beyond the date of the next annual renewal of any such contract."

Amendment No. 6

Following Amendment No. 5, insert

"SEC. 5. Section 11515 is added to the Insurance Code, to read:

11515. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, not inconsistent with the provisions of this chapter, relating to the substance, form and issuance of any contract covering the furnishing of hospital services as defined in subdivision (d) of Section 11493 and required to be approved by him by the provisions of Section 11513, as are necessary or desirable to preserve, insofar as applicable, standards as respects substance, form and issuance comparable to the standards in such respects prescribed by Chapter 4, Part 2, Division 2 of this code and applicable to disability policies, and to further the purpose or purposes for which such contracts are to be issued. Such rules and regulations shall not prohibit the use in any such contract or agreement of:

- (a) The word "subscriber" as a designation of the obligee;
- (b) The phrase "a family member" as a designation for the members of the family of the obligee;
- (c) The word "contract" or "agreement" as a designation for the undertakings of the hospital service corporation;
- (d) The phrases "furnishing of service" or "payment of benefits" as a designation for the commitments of the hospital service corporation; or
- (e) The phrase "the service" as a designation for the corporate obligor in any such contract or agreement."

Amendment No. 7

Following Amendment No. 6, insert

"SEC. 6. If any provision of this act, or the application thereof to any person, or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons, or circumstances, shall not be affected thereby."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Desmond moved that Assembly Bill No. 1979 be taken from the inactive file and placed on the second reading file.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 51: By Senator Crittenden—Relative to the construction of highways and bridges interfering with the development of harbor sites and dam sites.

Referred to Committee on Transportation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 279

Senator Breed moved that Senate Bill No. 279 be withdrawn from Committee on Judiciary for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 279—An act to amend Section 189 of the Code of Civil Procedure, relating to destruction of court records.

Bill read second time.

Motion to Amend

Senator Breed moved the adoption of the following amendments :

Amendment No. 1

On page 1, line 5, of the printed bill, after "justice's", insert a comma and "city".

Amendment No. 2

On page 1 of said bill, strike out lines 20 and 21, and insert "Notice is hereby given that on ----- (date) the justice (judge or clerk) of the justice's court (city or police court) of ----- intends to dispose".

Amendment No. 3

On page 2, line 4, of said bill, after the period, insert "The cost of destroying city or police court records, papers and exhibits and the cost of publication of the notice to destroy city or police court records shall be a city charge."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 288—An act to amend Section 27 of the Bank and Corporation Franchise Tax Act, relating to overpayment of taxes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation :

Amendment No. 1

On page 2, line 40, of the printed bill, after "(c)", insert "(1)".

Amendment No. 2

On page 2, line 41, of said bill, after "ment", and before "of", insert "in respect".

Amendment No. 3

On page 2, line 44, of said bill, strike out "(1)", and insert "(A)".

Amendment No. 4

On page 2, line 48, of said bill, strike out "(2)", and insert "(B)".

Amendment No. 5

On page 2, after line 51, of said bill, and before page 3, line 1, insert

"(2) (A) If the commissioner disallows interest on any claim for refund, he shall notify the taxpayer accordingly. At the expiration of 90 days from the mailing of such notice, the commissioner's action upon the disallowance of such interest shall be final unless within such ninety-day period, the taxpayer appeals in writing from the action of the commissioner to the State Board of Equalization. Appeals must be addressed and mailed to the State Board of Equalization at Sacramento, and a copy of the appeal addressed and mailed at the same time to the commissioner at Sacramento. Said board shall hear and determine the same and thereafter shall forthwith notify the taxpayer and the commissioner of its determination. Such determination shall be final upon the expiration of 30 days from the time of such determination unless within such thirty-day period the taxpayer or the commissioner files a petition for rehearing with said board, in which event the board's determination shall not become final until the expiration of 30 days from the time the board issues its opinion on said petition.

(B) Within ninety days after the mailing of the notice of the commissioner's action disallowing interest upon any refund claim, or in the case of an appeal to the State Board of Equalization from the disallowance of interest on any refund claim, within ninety days after the mailing of the notice of the board's determination of the appeal, the taxpayer may bring an action against the commissioner on the grounds set forth for interest in such claim for the recovery of the interest.

If the commissioner fails to mail notice of action of disallowance of interest on any refund claim within six months after the interest was claimed, the taxpayer may, prior to mailing of notice of action of disallowance of interest on the refund claim, consider the interest disallowed and bring an action against the commissioner on the grounds set forth for interest in such claim for the recovery of the interest.

(3) A payment not made incident to a bona fide and orderly discharge of an actual liability or one reasonably assumed to be imposed by law, is not an overpayment for the purposes of this subsection and interest is not payable thereon.

(4) If a credit or refund of any part of an overpayment would be barred under Section 27(a), except for the seven year limitation therein relating to bad debts, no interest shall be allowed or paid with respect to such part of the overpayment for any period beginning after the expiration of the period of limitation provided in Section 27(a), other than the seven year limitation therein relating to bad debts, for filing claim for credit or refund of such part of the overpayment and ending at the expiration of six months after the date on which the claim was filed or, in case no claim was filed and the overpayment was found by the board, ending at the time the appeal was filed with the board."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1207—An act to amend Section 6006 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In the first line of the title of the printed bill, strike out "Section 6006", and insert "Sections 6007, 6011, and 6401".

Amendment No. 2

On page 1, line 1, of said bill, strike out "6006", and insert "6007".

Amendment No. 3

On page 1 of said bill, strike out all of lines 3 to 26, inclusive, and on page 2 of said bill strike out all of lines 1 to 28, inclusive, and insert

"6007. A 'retail sale' or 'sale at retail' means a sale for any purpose other than resale in the regular course of business in the form of tangible personal property. It includes any sale of property to a person for use in performing a contract for the improvement of real property.

The delivery in this State of tangible personal property by an owner or former owner thereof or by a factor, if the delivery is to a consumer pursuant to a retail sale made by a retailer not engaged in business in this State, is a retail sale in this State by the person making the delivery. He shall include the retail selling price of the property in his gross receipts.

Sec. 2. Section 6011 of the Revenue and Taxation Code is amended to read: 6011. "Sales price" means the total amount for which tangible personal property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.
(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property prior to its purchase.

The total amount for which the property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

(c) Any expense of measurement, relocation and processing incurred by a person with respect to property used by him in the performance of a contract to improve real property, not including, however, his expense in assembling, installing and applying the property at the site of the improvement to the real property.

"Sale price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers upon rescission of the contract of sale when the entire amount charged therefor is refunded either in cash or credit, and when the property is returned within ninety days from the date of purchase.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' or importers' excise imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

(e) On and after February 1, 1947, the amount of any tax imposed by any city, county or city and county within the State of California upon or with respect to

retail sales of tangible personal property, measured by a stated percentage of sales price or gross receipts, whether imposed upon the retailer or the consumer.

(f) On and after February 1, 1947, the amount of any tax imposed by any city, county or city and county within the State of California with respect to the storage, use or other consumption in such city, county or city and county of tangible personal property measured by a stated percentage of sales price or purchase price, whether such tax is imposed upon the retailer or the consumer.

(g) Transportation charges separately stated, if the transportation occurs after the purchase of the property is made.

SEC. 3. Section 6401 of the Revenue and Taxation Code is amended to read:

6401. The storage, use, or other consumption in this State of property, the gross receipts from the sale of which are required to be included in the measure of the sales tax, is exempted from the use tax. *This exemption excludes from the measure of the use tax only that part of the purchase price of the property that has constituted taxable gross receipts for purposes of the sales tax.*

Amendment No. 4

On page 2, line 29, of said bill, after "SEC." strike out "3", and insert "4".

Amendment No. 5

On page 2, line 31, of said bill, after "immediately", insert "; provided, however, that the provisions hereof shall become operative on July 1, 1949".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 846—An act to amend Section 20 of the Corporation Income Tax Act, relating to overpayment of taxes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 2, line 40, of the printed bill, after "(c)", insert "(1)".

Amendment No. 2

On page 2, line 41, of said bill, after "ment", and before "of", insert "in respect".

Amendment No. 3

On page 2, line 44, of said bill, strike out "(1)", and insert "(A)".

Amendment No. 4

On page 2, line 48, of said bill, strike out "(2)", and insert "(B)".

Amendment No. 5

On page 2, after line 51, of said bill, and before page 3, line 1, insert

"(2) (A) If the commissioner disallows interest on any claim for refund, he shall notify the taxpayer accordingly. At the expiration of 90 days from the mailing of such notice, the commissioner's action upon the disallowance of such interest shall be final unless within such ninety-day period, the taxpayer appeals in writing from the action of the commissioner to the State Board of Equalization. Appeals must be addressed and mailed to the State Board of Equalization at Sacramento, and a copy of the appeal addressed and mailed at the same time to the commissioner at Sacramento. Said board shall hear and determine the same and thereafter shall forthwith notify the taxpayer and the commissioner of its determination. Such determination shall be final upon the expiration of 30 days from the time of such determination unless within such thirty-day period the taxpayer or the commissioner files a petition for rehearing with said board, in which event the board's determination shall not become final until the expiration of 30 days from the time the board issues its opinion on said petition.

(B) Within ninety days after the mailing of the notice of the commissioner's action disallowing interest upon any refund claim, or in the case of an appeal to the State Board of Equalization from the disallowance of interest on any refund claim, within ninety days after the mailing of the notice of the board's determination of the appeal, the taxpayer may bring an action against the commissioner on the grounds set forth for interest in such claim for the recovery of the interest.

If the commissioner fails to mail notice of action of disallowance of interest on any refund claim within six months after the interest was claimed, the taxpayer may, prior to mailing of notice of action of disallowance of interest on the refund claim, consider the interest disallowed and bring an action against the commissioner on the grounds set forth for interest in such claim for the recovery of the interest.

(3) A payment not made incident to a bona fide and orderly discharge of an actual liability or one reasonably assumed to be imposed by law, is not an overpayment for the purposes of this subsection and interest is not payable thereon.

(4) If a credit or refund of any part of an overpayment would be barred under Section 201(a), except for the seven-year limitation therein relating to bad debts, no interest shall be allowed or paid with respect to such part of the overpayment for any period beginning after the expiration of the period of limitation provided in Section 201(a), other than the seven-year limitation therein relating to bad debts, for filing claim for credit or refund of such part of the overpayment and ending at the expiration of six months after the date on which the claim was filed or, in case no claim was filed and the overpayment was found by the board, ending at the time the appeal was filed with the board."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 847—An act to amend Section 19062 of the Revenue and Taxation Code, relating to overpayment of taxes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In the title of the printed bill, after "of", insert "; and to add Sections 19062.1, 19062.2, 19062.3, 19062.4, 19062.5, 19062.6, 19062.7, 19062.8, and 19062.9 to".

Amendment No. 2

In line 4, of said bill, after "payment", and before "of", insert "in respect".

Amendment No. 3

On page 1 of said bill, after line 14, insert

"Sec. 2. Section 19062.1 is added to the Revenue and Taxation Code, to read:

19062.1. If the commissioner disallows interest on any claim for refund, he shall notify the taxpayer accordingly.

Sec. 3. Section 19062.2 is added to the Revenue and Taxation Code, to read:

19062.2. At the expiration of 90 days from the mailing of such notice, the commissioner's action upon the disallowance of such interest shall be final unless within such ninety-day period, the taxpayer appeals in writing from the action of the commissioner to the board.

Sec. 4. Section 19062.3 is added to the Revenue and Taxation Code, to read:

19062.3. Appeals must be addressed and mailed to the State Board of Equalization at Sacramento, California, and a copy of the appeal addressed and mailed at the same time to the Franchise Tax Commissioner at Sacramento, California.

Sec. 5. Section 19062.4 is added to the Revenue and Taxation Code, to read:

19062.4. The board shall hear and determine the same and thereafter shall forthwith notify the taxpayer and the commissioner of its determination.

Sec. 6. Section 19062.5 is added to the Revenue and Taxation Code, to read:

19062.5. The determination is final upon the expiration of 30 days from the date of the determination unless within the thirty-day period, the taxpayer or commissioner files a petition for rehearing with the board. In that event the determination becomes final upon the expiration of 30 days from the date the board issues its opinion upon the petition.

Sec. 7. Section 19062.6 is added to the Revenue and Taxation Code, to read:

19062.6. Within ninety days after the mailing of the notice of the commissioner's action disallowing interest upon any refund claim, or, in the case of an appeal to the board from the disallowance of interest on any refund claim, within the ninety days after the mailing of the notice of the board's determination of the appeal, the taxpayer may bring an action against the commissioner on the grounds set forth for interest in such claim for the recovery of the interest.

Sec. 8. Section 19062.7 is added to the Revenue and Taxation Code, to read:

19062.7. If the commissioner fails to mail notice of action of disallowance of interest on any refund claim within six months after the interest was claimed, the taxpayer may, prior to mailing notice of action of disallowance of interest on the

refund claim, consider the interest disallowed and bring an action against the commissioner on the grounds set forth for interest in such claim for the recovery of the interest.

SEC. 9. Section 19062.8 is added to the Revenue and Taxation Code, to read: 19062.8. A payment not made incident to a bona fide and orderly discharge of an actual liability or one reasonably assumed to be imposed by law, is not an overpayment for the purposes of Section 19062 and interest is not payable thereon.

SEC. 10. Section 19062.9 is added to the Revenue and Taxation Code, to read: 19062.9. If a credit or refund of any part of an overpayment would be barred under Section 19053, except for the provisions of Section 19053.7, no interest shall be allowed or paid with respect to such part of the overpayment for any period beginning after the expiration of the period of limitation provided in Section 19053 for filing claim for credit or refund of such part of the overpayment and ending at the expiration of six months after the date on which the claim was filed or, in case no claim was filed and the overpayment was found by the board, ending at the time the appeal was filed with the board."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 165—An act to add Section 2.2 to the Orange County Flood Control Act, relating to the powers of the Orange County Flood Control District.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 509—An act to add Sections 1.1, 1.2, 1.3, 1.4, and 1.5 to, and to amend Sections 17 and 41 of the Orange County Water District Act, relating to the exclusion of certain areas from the district, and to empower said district to contract for the purchase of water from a metropolitan water district organized under the Metropolitan Water District Act and to amend certain limitations therein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1394—An act to amend Sections 6, 16, 50, 51, and 66 of the Orange County Water District Act, relating to powers, duties and compensation of the board of directors of, inclusion of lands in, and exclusion of lands from, the Orange County Water District.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1620—An act to amend Sections 4010, 4011, 4031, and 4035 of the Health and Safety Code, relating to water and water supply systems.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1539—An act to repeal an act authorizing the sale of the property in the City of Sacramento used by the State Agricultural Society for the State Fair and providing for the disposition and use of the proceeds from such sale.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1627—An act to amend Section 94.5 of the Agricultural Code, relating to the exemption of citrus fruit fair associations from taxation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 684—An act to amend Sections 2, 3, 25, 26, 27, 28, and 29 of the Retirement Systems Act, relating to what constitutes a

retirement system and the exemption of certain retirement systems from various provisions of the act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, line 36, of the printed bill, following the word "Sections", insert "2, 3,".

Amendment No. 2

On page 2, line 48, of said bill, following the word "Sections", insert "2, 3,".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 514—An act to add Sections 9027 and 9028 to the Government Code, creating the Senate Contingent Fund in the State Treasury, specifying the appropriations to be deposited therein, and providing for its disbursement upon warrants drawn by the Controller at the direction of the continuing Senate Committee on Rules, or pursuant to Senate rule, order, or resolution.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 685—An act to amend Section 7873 of the Revenue and Taxation Code, relating to the motor vehicle fuel license tax.

Bill read second time, and ordered to third reading.

Assembly Bill No. 686—An act to amend Section 10100 of the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2076—An act to add Section 2117.5 to the Streets and Highways Code, relating to the Highway Users Tax Fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 200—An act to add Article 5 to Chapter 1, Part 5, Division 11, of the Water Code, relating to flood control.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Water Resources:

Amendment No. 1

On page 1 of the printed bill, as amended in Assembly March 11, 1949, after line 22, insert "22162. The provisions of this article apply only to districts containing two hundred thousand acres or more."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1921—An act to repeal Sections 3474 and 3474.1 of the Welfare and Institutions Code, relating to the responsibility of relatives of partially self-supporting blind persons who are receiving public assistance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2216—An act to add Section 22264 to the Water Code, relating to irrigation districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 916—An act to amend Section 202 of the Welfare and Institutions Code, relating to county contracts for medical and hospital services.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1, line 16, of the printed bill, as amended in Assembly April 7, 1949, after "Part", strike out "3", and insert "2".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 453—An act to amend Section 18852 of the Government Code, relating to salaries of state employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1503—An act to amend Section 18705 of the Government Code, relating to days, hours and conditions of work for state employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1799—An act to amend Section 29483 of the Government Code, relating to the payment to counties of United States forest reserve receipts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1857—An act to amend Section 16475 of the Government Code, relating to the disposition of interest and other increment derived from the investment of surplus moneys in special funds in the State Treasury.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2355—An act to add Section 17007 to the Government Code, relating to the designation of funds by code number, letter, or combination thereof, on all warrants issued by the Controller, and on all reports furnished by the Controller and Treasurer to each other.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1962—An act to amend Section 16374 of the Government Code, relating to the reversion of unclaimed trust money.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2162—An act to amend Sections 17221 and 17242 of the Government Code, relating to the registration of warrants drawn against the General Fund.

Bill read second time, and ordered to third reading.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill No. 152—An act to amend Section 1881.3 of the Civil Code, relating to the period during which the chapter of said code relating to private bulk storage of grain shall remain in effect.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 152?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal", and insert "amend".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 1881.3 of the Civil Code is amended to read:
1881.3. The provisions of this chapter shall have no force or effect after December 31, [1949] 1951."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 152 by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Hatfield, Johnson, Kraft, Miller, O'Gara, Powers, Regan, Salsman, Sutton, Swing, Tenney, Watson, and Williams—25.
NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 259—An act to amend Section 2010 of the Streets and Highways Code, relating to mileage allowances for supervisors' official road duties.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 259?

Amendment No. 1

On page 1, line 1, of the printed bill, as amended in the Senate on March 31, 1949, strike out "Highway", and insert "Highways".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 259 by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Collier, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Johnson, Kraft, Mayo, Miller, O'Gara, Powers, Regan, Salsman, Sutton, Swing, Tenney, Watson, and Williams—25.
NOES—None.

Above bill ordered enrolled.

MOTIONS TO RECONSIDER

Senate Bill No. 461—An act to add Section 12011.6 to, and to amend Sections 12024.5 and 12211 of, the Business and Professions Code, relating to containers and commodities therein.

Motion to Reconsider Waived

Senator Desmond waived his motion to reconsider the vote whereby Senate Bill No. 461 was passed.

Senate Bill No. 461 ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

MR. PRESIDENT: The Committee on Rules has appointed Senators Desmond, Abshire, Collier, Burns, McBride, and Watson as a Special Committee to represent the Senate at the funeral of Michael J. Burns in Eureka.

POWERS, Chairman

THIRD READING OF SENATE BILLS

Senate Bill No. 1427—An act to amend Sections 3896 and 3897 of, and to repeal Article 13, comprising Sections 3741 to 3750, inclusive, of Chapter 11 of Division 2 of, and to add Section 3899 to, the Education Code, relating to the organization of high school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Judah asked for, and was granted, unanimous consent to have Senate Constitutional Amendment No. 2 passed on file and retain its place on file until the next legislative day.

Senate Bill No. 1250—An act to add Chapter 8, comprising Sections 5500 to 5656, inclusive, to Part 3, Division 5, of the Health and Safety Code, to provide for the formation, organization and operation of districts for sewerage disposal, water development, and related purposes within the counties of the State.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendment :

Amendment No. 1

On page 8, line 18. of the printed bill as amended in the Senate on April 29, 1949, strike out the period, and insert ", except that use of any state highway right of way shall be subject to the provisions of Chapter 3 of Division 1 of the Streets and Highways Code."

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 965—An act to amend Section 4256 of the Business and Professions Code, relating to fees charged by the California State Board of Pharmacy, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—32.

NOES—None.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 515—An act to add Section 1106 to the Labor Code, relating to the hiring and discharging of employees.

Bill read third time.

POINT OF PERSONAL PRIVILEGE

Senator O'Gara rose to a point of personal privilege stating that he had been misquoted in a letter of the Legislative Counsel regarding the constitutionality of Senate Bills Nos. 280 and 515.

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to have the following opinion of the Legislative Counsel to Senator O'Gara regarding the constitutionality of Senate Bills Nos. 132, 280, and 515, printed in the Journal :

Opinion of Legislative Counsel

COPY

SACRAMENTO 2, CALIFORNIA, May, 4, 1949

Hon. Gerald J. O'Gara
Senate Chamber

Loyalty Bills—No. 6183

DEAR SENATOR O'GARA : You have asked our opinion as to the constitutionality of Senate Bills Nos. 132, 280, and 515, as amended.

Our opinion as to the constitutionality of the above bills has not changed since our opinions on this question were printed in the Senate Journal, copies of which we enclose.

Our opinion as to the constitutionality of Senate Bill No. 132 appears on page 1344 of the Senate Journal of April 21, 1949 ; our opinion as to the constitutionality

of Senate Bills Nos. 280 and 515 appears on pages 1467 to 1469 of the Senate Journal of April 27, 1949.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By HARRY J. ENGLEBRIGHT, Deputy

Copies to authors of S. B.
Nos. 132, 280, and 515, pursuant to Joint Rule 34

Senate Bill No. 515 passed on file at the request of Senator Tenney.

Senate Bill No. 1331—An act to add Section 11004 to the Elections Code, relating to petitions for the recall of state officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1622—An act to add Article 4.5 to Chapter 13 of Division 2 of the Education Code, relating to the annexation of high school districts to junior college districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Johnson, Judah, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1562—An act to repeal Sections 3534 to 3538, inclusive, of the Revenue and Taxation Code, creating the Advisory Committee on Tax-deeded Property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Johnson, Judah, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill No. 1248—An act to amend Sections 11501 and 11519 of the Government Code, relating to administrative adjudication.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1248:

Amendment No. 1

On page 2, line 8, of the printed bill, as amended in the Senate on April 4, 1949, strike out "Institutions", and insert "Mental Hygiene".

Amendment No. 2

On page 2, line 25, of said bill, strike out "Division of Registration,".

Amendment No. 3

On page 2, line 35, of said bill, following "probationary", insert "or conditional".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1248 by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, and Williams—31.

NOES—None.

Above bill ordered enrolled.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1921

Senator Rich moved that Assembly Bill No. 1921 be re-referred to Committee on Finance.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 662

Senator Brown moved that Senate Bill No. 662 be withdrawn from Committee on Natural Resources for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 662—An act to amend Section 6897 of the Public Resources Code, relating to deposits of minerals on state lands.

Bill read second time.

Motion to Amend

Senator Brown moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 6897", and insert "Sections 6303 and 6897".

Amendment No. 2

Strike out line 2 of the title of said bill, and insert "relating to state lands and providing for the extraction or removal of minerals, other than oil and gas, and of other material therefrom."

Amendment No. 3

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 6303 of the Public Resources Code is amended to read: 6303. The commission may grant the privilege of depositing material upon or removing or extracting material from swamp, overflowed, marsh, tide or submerged lands owned by the State, for purposes connected with the erection or maintenance of structures authorized under Articles 2 or 3 of this chapter, upon such terms and conditions and for such consideration as will be for the best interests of the State. *When a contractor or permittee has a contract with or a permit from the Federal Government or any authorized public agency to dredge navigable streams for the improvement of navigation, the commission may, when in the best interests of the State, allow such contractor or permittee to have sand, gravel, or other spoils dredged from the sovereign lands of the State located within the areas specified in such contract or permit without paying a royalty therefor. The amounts of sand, gravel or other spoils so removed from sovereign lands shall not exceed those specified in the contract or permit.*

Sec. 2. Section 6897 of said code is".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS
REQUEST FOR UNANIMOUS CONSENT

Senator Powers asked for, and was granted, unanimous consent to have Assembly Bills Nos. 1098, 1101, 1102, 1103, 1104, and 1111 passed on file and retain their place on file until the next legislative day.

Assembly Bill No. 1000—An act to cure defects in maps or plats filed for record prior to April 1, 1949, and in deeds or conveyances referring to such maps.

Bill read third time, and presented by Senator Regan.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2651—An act to amend Sections 18523, 18801, and 19052 of the Government Code and to add Sections 18523.5, 18802.5, and 19052.5 to said code, relating to classes and grades in the state civil service.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RETAIN PLACE ON FILE

Senator Mayo moved that Assembly Bill No. 1950 be passed on file and retain its place on file until the next legislative day.

Motion carried.

Assembly Bill No. 1197—An act to add Section 2512 to the Revenue and Taxation Code, relating to the time of payments due taxing agencies.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the printed bill, after the word "agency", insert "prior to a certain date and hour before being delinquent".

Amendment No. 2

At the end of said bill, insert "This section shall not apply if the letter containing the payment was incorrectly addressed."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 3098—An act to amend Section 30.2 of the Public Utility District Act, relating to public utility districts.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Kraft asked for, and was granted, unanimous consent to have Assembly Bill No. 997 passed on file and retain its place on file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Keating asked for, and was granted, unanimous consent to have Assembly Bill No. 2710 passed on file and retain its place on file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Ward asked for, and was granted, unanimous consent to have Assembly Bill No. 429 passed on file and retain its place on file until the next legislative day.

Assembly Bill No. 1647—An act to amend Section 1300.15 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Hatfield.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Crittenden, Cunningham, Dillinger, Dilworth, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Senate Bill No. 1647 passed on file at the request of Senator Crittenden.

Assembly Bill No. 997—An act to add Section 7325 to the Business and Professions Code, relating to cosmetology.

Bill read third time.

Motion to Amend

Senator Kraft moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended in Senate April 27, 1949, strike out "and", and insert "or".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 330—An act to add Section 729 to the Welfare and Institutions Code, relating to the detention of minors by peace officers and probation officers when such detention is necessary for the health and welfare of such minors.

Bill read third time.

Motion to Amend

Senator Busch moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 7, of the printed bill, after "descriptions", insert "when such custody or detention is a matter of immediate and urgent necessity for the protection of the welfare of the child".

Amendment No. 2

On page 2, line 14, of said bill, after "officer", insert "shall give immediate notice to the parents or guardians of the person taken into custody or placed in detention under the provisions of this section and thereafter".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 810

Senator Salsman moved that Senate Bill No. 810 be withdrawn from Committee on Business and Professions for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 810—An act to amend Section 152 of the Business and Professions Code, relating to organization of the work of the Department of Professional and Vocational Standards.

Bill read second time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 152 of", and insert "add Section 2327 to".

Amendment No. 2

Strike out lines 2 and 3 of the title of said bill, and insert "Code, relating to the practice of medicine."

Amendment No. 3

On page 1, line 1, of said bill, strike out "152 of", and insert "2327 is added to".

Amendment No. 4

On page 1 of said bill, strike out lines 2 to 7, inclusive, and insert "Code, to read: 2327. An applicant for a reciprocity certificate who establishes by evidence satisfactory to the board, that he was commissioned as a medical officer in any branch of the armed forces, and that he has practiced his profession for one year or longer in a state or federal medical facility in this State immediately preceding the date of his application, shall comply with all the provisions of this article except the provisions of Sections 2321, 2323, and 2324."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2104

Assembly Bill No. 2711

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 2104—An act to add Sections 1410.5 and 1675.5 to the Water Code, relating to permits and licenses to appropriate water.
Referred to Committee on Water Resources.

Assembly Bill No. 2711—An act to add Article 10, comprising Sections 8001 to 8025, inclusive, to Chapter 4 of Part 3 of Division 6 of the Public Resources Code, relating to surveys and maps, creating the office of State Supervisor of Maps and Surveys, and prescribing his powers and duties.
Referred to Committee on Governmental Efficiency.

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article VI thereof a new section to be numbered 27, relating to the retirement of judges.
Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 469

Assembly Bill No. 1028

Senate Bill No. 583

Assembly Bill No. 1196

Senate Bill No. 1450

Assembly Bill No. 1672

Assembly Bill No. 521

Assembly Bill No. 1768

Assembly Bill No. 578

Assembly Bill No. 3095

Assembly Bill No. 767

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT : The Committee on Local Government, to which were referred :

Assembly Bill No. 929

Assembly Bill No. 963

Assembly Bill No. 1012

Has had the same under consideration, and reports the same back with amendments with the recommendation : Amend, and do pass as amended.

Committee membership 9 ; committee vote : Ayes 8 ; absent 1.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT : The Committee on Fish and Game, to which were referred :

Senate Bill No. 1053

Assembly Bill No. 1460

Has had the same under consideration, and reports the same back with amendments with the recommendation : Amend, and do pass as amended.

Committee membership 11 ; committee vote : Ayes 8 ; absent 3.

HATFIELD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT : The Committee on Fish and Game, to which was referred :

Assembly Bill No. 41

Has had the same under consideration, and reports the same back with amendments with the recommendation : Amend, and re-refer to the committee.

Committee membership 11 ; committee vote : Ayes 8 ; absent 3.

HATFIELD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT : The Committee on Fish and Game, to which was referred :

Assembly Bill No. 869

Has had the same under consideration, and reports the same back with the recommendation : Do pass, and be re-referred to Committee on Finance.

Committee membership 11 ; committee vote : Ayes 8 ; absent 3.

HATFIELD, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT : The Committee on Fish and Game, to which were referred :

Senate Bill No. 677

Assembly Bill No. 884

Senate Bill No. 1236

Assembly Bill No. 885

Assembly Bill No. 42

Assembly Bill No. 1461

Assembly Bill No. 44

Assembly Bill No. 2075

Assembly Bill No. 883

Has had the same under consideration, and reports the same back with the recommendation : Do pass.

Committee membership 11 ; committee vote : Ayes 8 ; absent 3.

HATFIELD, Chairman

Above reported bills ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT : The Committee on Finance, to which was referred :

Senate Bill No. 1326

Has had the same under consideration, and reports the same back without recommendation, for reasons given below.

Committee membership 11 ; committee vote : Ayes 11.

This bill has heretofore been considered by the Committee on Education and was sent to the Finance Committee pursuant to Rule 12, subdivision 5, of Senate

Standing Rules, as recently amended. It has been reported to the committee that the bill does not fall within the provisions of the foregoing Senate Rule and is therefore sent to the Senate without recommendation.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: The Committee on Finance, to which was referred:

Senate Bill No. 850

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: The Committee on Finance, to which was referred:

Assembly Bill No. 1749

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bill ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Senate Bill No. 1128

Assembly Bill No. 249

Assembly Bill No. 1923

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Senate Bill No. 1098

Assembly Bill No. 2546

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

McBRIDE, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 4.11 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Thursday, May 5, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTY-FIFTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, May 5, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:
Senator Gibson, on motion of Senator Powers, due to legislative business.

Senator Hatfield, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rhoda McRae, Anna Pradonovich, William H. McMaster, and Fernidand V. Custer, and the following students of Castlemont High School of Oakland: Bob Abraham, Marilyn Adams, Lester Addison, Cliff Allen, Sam Allie, Al Apodaca, Corwin Barfield, Barbara Barwick, Barbara Bates, Colette Beaver, Barbara Beecher, Marlyss Benson, Jack Bernau, Jerry Bevilacqua, Bill Bloomer, Sidney Bradfield, Gerald Bradley, Laverne Brewer, Ronald Bristol, Beverly Brittan, Bill Brown, Fred Brown, Beverly Bruce, James

Cains, Phyllis Carl, Loretta Cataluna, Ronald Chew, Ed Clark, Don Cline, Gayle Counihan, Gloria Davila, Kay Dennis, Jack De Silva, Beverly De Tro, May Donaldson, Ruth Dowling, Richard Duarte, Buzzy Durel, Manuel Écheagaray, Betty Eckardt, Alan Ettlin, Vera Fernandes, Jovine Fifer, Matilda Garcia, Virginia Gauch, Margalo Gibbs, Ken Giles, Frances Goodman, Venice Grimes, Vinita Hanavan, Don Henrickson, Dolores Herbolich, Yvonne Herr, Roger Hertz, Charlesetta Hightower, Marcia Hill, Darryl Hobbs, Patricia Hogg, Bob Huaco, Johnny Iskra, Harvey Jerome, Ruth Kast, Harold Kaufman, Diane King, Frieda King, Gary King, Kaye Kinst, Akemi Kodama, Grunetta Langford, Margaret Lawrence, Milford Leal, Mickey Lefler, Pat Long, Muriel Lund, Julia Marks, Janice Martin, Bob Martinez, Derald Matern, Doris Matthews, Tom McManus, Lelah Meehler, Norma Meeke, Lorraine Miller, Stanley Miller, Thomas Miller, Rosalie Moniz, Annabelle Mooney, Marcia Murray, Donna Myers, Edward New, Carole Oddson, Corrine Oddson, Dot Orava, Amelia Partida, Constance Payne, Elaine Pederson, Norman Pencil, Evelyn Perreira, Bernice Pimintel, Wilfred Pimentel, Bob Pitney, Lola Pollastrini, Mileva Prodanovich, Barbara Raye, Mary Ann Reini, Ruth Reith, Leila Rizzi, Shirley Robinson, Claire Rocha, Diana Rodrigues, Leonard Rogers, Donald Ross, Marianne Rotella, Howard Rule, Harry Santi, Mary Sexo, Dick Sharpe, Gordan Sherman, Sharon Shore, Barry Simmons, Don Simmons, Margaret Smith, Marilyn Snavelly, Sidnia Snow, Joanne Stephenson, Gary Stiles, Peggy Stone, Glenore Struckman, Angelo Taneredy, John Teixeira, James Terry, John Townley, Diana Traini, Betty Tucker, Grace Van Wrinkle, Marlene Wagner, Bob Watson, Suzanne Webb, Glenn Wescott, Raymond Whitener, Carolyn Williams, Leon Williams, Myra Williams, Polly Ann Williams, Joyce Wilson, Raylene Wilson, Herbert Witt, and Noby Yoshida.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. G. Larsson, teacher; P. G. Wipperman, principal, and the following students of Golden Gate Academy of Berkeley: Evelyn Chapman, Martin Ladd, Richard Nethercott, Clifton Corbitt, John Seonza, Donna Morrison, Bobby Roberson, LaNell Bell, Herbert Lyman, Kenneth Ozawa, Imogene Wheeler, Lenore Martin, Anita Cavagnaro, Norma Irish, Florence Wyatt, Shirley Powell, Milton Sanders, and Melynn Whalin.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Howard A. Boyle, John S. Burd, Jr., Wallace G. Holt, John W. Hull, Margaret Karpe, Richard Kincade, John G. Kincade, Mrs. Herman Klein, Herman Klein, Jane Lundburg, Jack H. McAmmon, DeWit Popkin, and Robert F. Schord, members of Young Republicans of North Alameda County.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Robinson, Principal; Tom Ryder, Mrs. Beatrice Spease and daughter June Spease, and the following students of Columbia Hill School of North Columbia: Grant Laudenslager, Perry Spease, Carol Kennedy, Sally Laudenslager, Harriet Blakely, Sonja Wilson, Dale Ten Broeck, Terry Ten Broeck, Bob Blakely, Jeanette Kennedy, Jack Wilcox, Mary Clark, and Wayne Whitlock.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. William Orr of Los Angeles.

On request of Senators Regan and Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Barbara White of Sacramento.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Donn B. Tatum, General Counsel, Don Lee Mutual Broadcasting System of Hollywood.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter S. Lay of Riverside.

On request of Senators Regan and Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sisters Miriam and Monica and the following students of St. Francis High School of Sacramento: Mary Ellen Banahan, Patricia Callahan, Marilyn Case, Patricia Davis, Marian Dillier, Lucretia Domich, Jean Dougherty, Annabelle Eckerman, Mary Agnes Eggert, Maria Franzella, Catherine Gieseke, Barbara Gonzales, Yvonne Hannah, Elberta Hodge, Irene Iniquez, Margaret Mary Kenny, Merlyn Kopp, Margaret Lagomarsino, Monica Lammerding, Barbara Leal, Margie Lewis, Pat McKoy, Theresa Marcoux, Betty Merkley, Carolyn Millard, Darlene Mobley, Carol Moloney, Sally O'Neil, Carolyn Panattoni, Maureen Powell, Patricia Ricker, Noreen Sayre, Joan Schab, Cornelius Supple, Mary Supple, Jean Tamaki, Mary Ann Taylor, Mary Waggoner, Gwen Ward, Kathryn Witherell, Martha Newman, Estelle Baima, Mercedes Bidwell, Janet Bleuel, Jackie Boucher, Marion Brown, Patt Carmody, Nancy Chester, Margaret Cook, Shirley Cunningham, Kathleen Decker, Maureen Donoghue, Ann Aberhard, Yvette Elorga, DorothyENZler, Mary Farrell, Corrine Gagnon, Lois Jean Garcia, Dorothy Grigg, Bernice Groth, Beryl Hannah, Rae Ellen Hencken, Margaret Hicks, Sherry Hodge, Jackie Kane, Jean Kerrigan, Joan Kerrigan, Dorothy Lavelle, Marilyn Leventon, Barbara Massa, Helen McDonagh, Maxine McLean, Lisa Mock, Catherine Risse, Jane Russell, Mae Sullivan, Marie Teribile, Vivianne Tonerelli, and Jacqueline Zinsli.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arnold Baldwin, County Engineer, of Santa Cruz County.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph E. Woolridge of Bakersfield.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 3099

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 76

Assembly Concurrent Resolution No. 77

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Concurrent Resolution No. 76—Relative to approving amendments to the charter of the City of Huntington Beach, a municipal corporation in the County of Orange, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948.

Resolution ordered placed on file.

Assembly Concurrent Resolution No. 77—Relative to approving amendments to the charter of the City of Oroville, a municipal corporation in the County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the eleventh day of April, 1949.

Resolution ordered placed on file.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 165

Senate Bill No. 1539

Senate Bill No. 509

Senate Bill No. 1620

Senate Bill No. 514

Senate Bill No. 1627

Senate Bill No. 1394

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 288

Senate Bill No. 846

Senate Bill No. 847

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1250

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which were referred:

Assembly Bill No. 18

Assembly Bill No. 375

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

SUTTON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which were referred:

Senate Bill No. 30

Senate Bill No. 154

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; noes 2; absent 1.

SUTTON, Chairman

Above reported bills re-referred to Committee on Finance.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Senate Bill No. 159

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 8; noes 1; absent 4.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Senate Bill No. 367

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 9; absent 4.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Senate Bill No. 221

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 9; absent 4.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Assembly Bill No. 1991

Assembly Bill No. 1576

Assembly Bill No. 923

Assembly Bill No. 1578

Assembly Bill No. 925

Assembly Bill No. 96

Assembly Bill No. 1569

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; absent 4.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 52: By Senator Drobish—Relative to approving amendments to the charter of the City of Oroville, a municipal corporation in the County of Butte, State of California, voted

for and ratified by the qualified electors of said city at a general municipal election held therein on the eleventh day of April, 1949.

Request for Unanimous Consent

Senator Drobish asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 52, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 52

Senate Concurrent Resolution No. 52—Relative to approving amendments to the charter of the City of Oroville, a municipal corporation in the County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the eleventh day of April, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Breed, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Kraft, Mayo, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Williams—22.

NOES—None.

Resolution ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 469—An act to add Section 12.5 to an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, relating to water conservation districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 583—An act to amend Section 28105 of the Government Code, relating to compensation for public services in counties of the fifth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1450—An act to amend Sections 28122 and 28135 of the Government Code, relating to compensation for public services in counties of the twenty-second and thirty-fifth classes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1053—An act to amend Sections 14.2, 15, 15.1, 15.2, 15.3, 18, and 19.6 and to repeal Sections 16, 16.1, and 16.2 of the Fish and Game Code, relating to the powers of the Fish and Game Commission.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 2, line 6, of the printed bill, as amended in Senate April 26, 1949, strike out "Monday", and insert "Friday".

On page 2, line 9, of said bill, strike out "Monday", and insert "Friday".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 677—An act to add Section 1159 to the Fish and Game Code, relating to the establishment of cooperative hunting areas.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1236—An act to repeal Section 24 of, and to add Section 24 to, the Fish and Game Code, relating to seizure of illegal birds, mammals or fish.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1326—An act to repeal Sections 12041.1 and 12401.1 of the Education Code; to add Sections 12011, 12012, 12105, 12106, 12401.1, and 12401.2 to said code; and to amend the heading of Article 7 of Chapter 1 of Division 7 of said code, all relating to the authorization of persons to serve in the public schools.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 850—An act to add Chapter 1.6 to Division 3 of the Education Code, providing for school district public works, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 6 of the printed bill, as amended in Senate April 1, 1949, strike out lines 14 to 20, inclusive, and insert "fiscal year, the State Controller shall compute the "annual" repayment, if any, due from each district during the next succeeding fiscal year as herein provided. If, for any grade level of a district, the amount, if any, by which the second computation exceeds the third computation is greater than the first computation, the amount of such excess, herein called a "negative difference," shall be disregarded, and no reimbursement shall be due the State from such district with respect to such grade level during the next succeeding fiscal year. If, for any grade level of a district, the amount of the first computation is greater than the amount, if any, by which the second computation exceeds the third computation, the amount of such excess, herein called a "positive difference," shall constitute the amount of reimbursement due the State from such district with respect to such grade level during the next succeeding fiscal year. The sum of the "positive differences" so computed for all grade levels having a "positive difference" within each district is herein designated as the "annual repayment" of such district."

Amendment No. 2

On page 6 of said bill, strike out lines 36 to 38, inclusive, and insert "of 25 years from the first day of September of the fiscal year next succeeding the date of the warrant issued by the State Controller covering the payment to the county treasurer of the original amount of such apportionment. At the expiration of 30 years from the first".

Amendment No. 3

On page 6 of said bill, strike out lines 39 and 40, and insert "day of September of the fiscal year next succeeding the date of the warrant issued by the State Controller covering the payment to the county treasurer of the original amount of such apportionment, any unpaid".

Amendment No. 4

On page 8 of said bill, strike out lines 44 to 46, inclusive, and insert "county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice."

Amendment No. 5

On page 9, line 21, of said bill, strike out "instalment", and insert "settlement".

Amendment No. 6

On page 9, line 26, of said bill, after the period, insert "Upon the payment of any such amount, the original amount of the apportionment made to such school district shall, for the purpose of the computation of the annual repayment provided in this chapter, be deemed to be the net amount of the original apportionment remaining after deducting therefrom the amount paid to the State pursuant to this section."

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State."

Amendment No. 7

On page 9, line 32, of said bill, after "site", insert "or the improvements thereon."

Amendment No. 8

On page 9, line 33, of said bill, after "thereof", insert a comma.

Amendment No. 9

On page 9, line 35, of said bill, after "site", insert "or the improvements thereon".

Amendment No. 10

On page 9, line 37, of said bill, after "apportioned", insert "to".

Amendment No. 11

On page 9, line 39, of said bill, after "site", insert "or the improvements thereon".

Amendment No. 12

On page 9, line 41, of said bill, after the period, insert "Written notice of such demand, setting forth the amount due the State pursuant thereto, shall be furnished by the board to the governing board of the school district, the county superintendent of schools, the county auditor, the county treasurer of the county whose county has jurisdiction over the school district, and the State Controller. Upon receipt of such notice and demand, the governing board of the school district shall, at the time of the next county settlement following receipt of such notice, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the Public School Building Loan Fund. Upon the repayment of any such amount, the original amount of the apportionment made to such school district shall, for the purpose of the computation of the annual repayment provided in this chapter, be deemed to be the net amount of the original apportionment remaining after deducting therefrom the amount reimbursed to the State pursuant to this section."

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 1128—An act to amend Sections 2.07, 5.03, and 9.17 of, and to add Sections 3.07 and 9.15a to, the Building and Loan Association Act, relating to the regulation of building and loan associations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 1 of the title of the printed bill as amended in Senate, April 6, 1949, strike out "Sections 2.07, 5.03, and", and insert "Section".

Amendment No. 2

In line 2 of the title of said bill, strike out "Sections 3.07 and" and insert "Section".

Amendment No. 3

On page 1 of said bill, strike out lines 1 to 25, inclusive, and strike out all of pages 2 and 3, and on page 4 strike out lines 1 to 19, inclusive.

Amendment No. 4

On page 4, line 26, of said bill, strike out "immediately".

Amendment No. 5

On page 4, line 29, of said bill, strike out "No", and insert "Except with the consent of the commissioner, no".

Amendment No. 6

On page 4, line 34, of said bill, strike out "5", and insert "10".

Amendment No. 7

On page 4, line 38, of said bill, strike out "either", and insert "any".

Amendment No. 8

On page 4 of said bill, between lines 45 and 46, insert
"(c) Loans which have been repaid or sold without recourse."

Amendment No. 9

On page 5 of said bill, strike out lines 38 to 41, inclusive, and insert "to prohibit or limit the receipt or payment of salaries of officers, directors and employees, of commissions to agents whether or not based on the volume or number of loans or on the interest or fees collected thereon, or of bonuses to officers and employees or any of them if such bonuses are not based on the volume or number of loans made or on the interest or fees collected thereon; provided, that if such bonuses are based on the profits of the association for any period, payment thereof shall not be made until such period has expired and the profits thereof have been determined."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1098—An act to add Section 768 of the Insurance Code, in relation to prohibiting the designation of particular insurance agents or brokers by persons, firms and corporations loaning money on the security of personal and real property.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 521—An act to repeal Sections 4136, 4137, 4138, and 4139 of, and to add Sections 4136, 4137, 4138, and 4139 to, the Health and Safety Code, relating to garbage disposal districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 578—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds of public bodies, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 767—An act to amend Sections 16 and 27 of the Vehicle Parking District Act of 1943, relating to motor vehicle parking facilities.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1028—An act to add Section 4025 to the Penal Code and to repeal Section 25360 of the Government Code, relating to the management of county and city detention facilities.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1196—An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to the taxation of property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1672—An act to amend Sections 2 and 3 of an act entitled "An act relating to the determination of the wartime population of cities or cities and counties for purposes of allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof," approved May 18, 1943, relating to the allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therefrom.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1768—An act to amend Section 9 of the Franchise Act of 1937, relating to franchises and the filing of bond.

Bill read second time, and ordered to third reading.

Assembly Bill No. 3095—An act to amend Section 3453 of the Political Code, relating to reclamation districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 929—An act to amend Section 28136 of the Government Code, relating to compensation for public services in counties of the thirty-sixth class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 2, lines 34 and 35, of the printed bill, strike out "The compensation provided by this section shall be paid to incumbent officers."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 963—An act to add Section 25252.5 to the Government Code, relating to probationer's loan funds.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 3, of the printed bill, after "may", insert "in its discretion".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1012—An act to amend Section 25365 of the Government Code, relating to the powers and duties of boards of supervisors.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "By a four-fifths vote the board may", and insert "After publishing a notice of its intended action for at least one week, in a newspaper of general circulation published in the county, the board of supervisors may, by a four-fifths vote,".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1460—An act to amend Section 252.1 of the Fish and Game Code, relating to and defining the boundaries of the Mendota Pool Game Refuge and public shooting ground.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the amended bill, strike out "amend", and insert "repeal".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 24, inclusive, and insert "SECTION 1. Section 252.1 of the Fish and Game Code is repealed."

Amendment No. 3

On page 2 of said bill, strike out lines 1 to 14, inclusive.

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 41—An act to amend Section 1065 of the Fish and Game Code, relating to sardines.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in Assembly March 24, 1949, after "sardines", insert "and declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1, line 4, of said bill, after "packer," insert "only".

Amendment No. 3

On page 1 of said bill, strike out lines 5 and 6, and insert ", as follows: In Districts 4, 4½, that portion of District 18 lying south of a line running east and west through Piedras Blancas Light, 19, 20A, and 21, between October 1st and February 1st, inclusive; elsewhere in the State, except in District 20, between August 1st and January 15th. Sardines may be taken at any time on or after but not prior to June 1, 1951, for the purpose of salting, curing, smoking or drying, or for the purpose of packing in cans commonly known as quarter-pound or square cans less than ten ounces in net weight; provided, that in a 10-ounce can, fish of a size not less than eight fish to the can may be used. Sardines may be packed in their own natural oil.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

One of the most important sources of our food supply is the fishing industry. Canned sardines for many years have been among, if not the largest contributors of this source. Recently there has been a serious shortage in the sardines available, the exact cause of which has not been determined. However, immediate further restrictions on the taking of sardines as provided in this act are necessary and delay therein will increase the existing shortage and further diminish a valuable food supply of the people of this State."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

Assembly Bill No. 42—An act to amend Section 730 of the Fish and Game Code, relating to California halibut.

Bill read second time, and ordered to third reading.

Assembly Bill No. 44—An act to amend Section 788 of the Fish and Game Code, relating to crabs.

Bill read second time, and ordered to third reading.

Assembly Bill No. 883—An act to add Section 977 to the Fish and Game Code, relating to skates, rays, and sharks.

Bill read second time, and ordered to third reading.

Assembly Bill No. 884—An act to amend Section 974 of the Fish and Game Code, relating to sand crabs and shrimps.

Bill read second time, and ordered to third reading.

Assembly Bill No. 885—An act to add Section 869 to the Fish and Game Code, relating to bait nets.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1461—An act to amend Section 169 of the Fish and Game Code, relating to the Mendota Pool Game Refuge and defining the boundaries of Mendota Pool.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2075—An act to amend Section 875.5 of the Fish and Game Code, relating to nets.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1749—An act to amend Sections 6726 and 7012.5 of the Welfare and Institutions Code, relating to the support of mental patients in boarding homes, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 249—An act to add Section 10115 to the Insurance Code, relating to life insurance policies.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 20, of the printed bill, as amended April 6, 1949, after the word "manner", insert "and subject to the same rights, conditions and defenses".

Amendment No. 2

Strike out lines 25, 26, and 27 of said bill and insert "of the policy of life insurance to an amount not less than either (1) its established maximum retention, or (2) \$50,000, if a statement to this effect is included in the application."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1923—An act to add Section 10180 to the Insurance Code, relating to group life and disability insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 14, of the printed bill as amended in Assembly April 13, 1949, strike out "portion", and insert "proportion".

Amendment No. 2

On page 1, line 24, of said bill, strike out "share", and insert "proportion".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2546—An act to amend Section 1676 of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1979—An act to amend Section 4828 of the Business and Professions Code, relating to license to practice veterinary medicine, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

Call of the Senate

Senator Salsman moved a call of the Senate.

Motion carried.

MOTION TO SET SPECIAL ORDER

Senator Rich moved that Senate Bill No. 1539 be made a special order of business for Tuesday, May 10, 1949, at 2.30 p.m.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS****REQUEST FOR UNANIMOUS CONSENT**

Senator Dillinger asked for, and was granted, unanimous consent to have Senate Bill No. 191 passed on file and retain its place on file until the next legislative day.

Senate Bill No. 1250—An act to add Chapter 8, comprising Sections 5500 to 5656, inclusive, to Part 3, Division 5, of the Health and Safety Code, to provide for the formation, organization and operation of districts for sewerage disposal, water development, and related purposes within the counties of the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Busch, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Kraft, Mayo, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Dillinger asked for, and was granted, unanimous consent to have Senate Bill No. 833 passed on file and retain its place on file until the next legislative day.

Senate Bill No. 967—An act to amend Section 18711 of, and to add Section 18753 to, the Business and Professions Code, relating to boxing and wrestling.

Bill read third time.

Motion to Amend

Senator Kraft moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 13, of the printed bill, as amended in Senate, April 29, 1949, after "unless", insert "a copy of".

Amendment No. 2

On page 2, line 15, of said bill, strike out "approved by", and insert "first filed with".

Amendment No. 3

On page 2, line 16, of said bill, before the period, insert ", and approved by the commission as to the amount to be paid therefor, and that the State is assured as to the payment of any license fee due thereunder or from such match, contest, or exhibit".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Dillinger asked for, and was granted, unanimous consent to have Senate Bill No. 625 passed on file and retain its place on file until the next legislative day.

Senate Bill No. 1620—An act to amend Sections 4010, 4011, 4031, and 4035 of the Health and Safety Code, relating to water and water supply systems.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Kraft, Mayo, O'Gara, Parkman, Regan, Rich, Salsman, Tenney, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1394—An act to amend Sections 6, 16, 50, 51, and 66 of the Orange County Water District Act, relating to powers, duties and compensation of the board of directors of, inclusion of lands in, and exclusion of lands from, the Orange County Water District.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments :

Amendment No. 1

In line 1 of the title of the printed bill, after "16," insert "17,".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 2 of said bill, strike out line 16, and insert

"SEC. 3. Section 17 of said act is amended to read :

Sec. 17. The board of directors, on or before the first meeting of the board of supervisors of said Orange County in August of each year, must furnish said board of supervisors and the auditor of said Orange County with an estimate in writing of the amount of money needed for the initiated or authorized purposes of the district for the current fiscal year. This amount, together with available moneys on hand, must be sufficient to provide the necessary funds to initiate, carry on and complete any of the powers, projects, and purposes for which this district is organized, and which the board of directors shall deem advisable to be initiated or authorized for the current fiscal year; to pay the estimated cost of maintenance, operation and repairs of works and projects of the district, the incidental expenses of the district, and the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken or assumed by the district, including the cost of employment of attorneys and engineers; and if bonds have been voted by the district, said estimate shall include an amount sufficient to raise the interest and principal on the outstanding bonds accruing during the current fiscal year and to provide for a sinking fund from which to pay the principal of said bonds when due; and if said district shall have voted a special assessment as provided in Section 35 hereof, said estimate shall also include the amount of any installment of said special assessment, to be levied during said year; provided, however, that if at the time of making said estimates the district shall not have voted a special assessment as provided in Section 35 hereof, and said district shall not have voted bonds as in this act provided, then the amount of the assessment levied during any year for the raising of funds shall not exceed [five] *two* cents for each one hundred dollars, or fraction thereof, of assessed valuation of assessable property in the district, according to the last assessment rolls of said Orange County [; provided, further, that after the expiration of five (5) years next succeeding the date when this act becomes effective the amount of said assessment levied during any year shall not exceed two cents for each one hundred dollars, or fraction thereof, of assessable property in said district, according to the last assessment rolls of Orange County], unless at the time of the levy of each annual assessment as provided for in this act at least six members of the then board of directors of the district vote in favor of the levy of an assessment not exceeding five cents for each one hundred dollars, or fraction thereof, of assessable property in the district according to the last assessment rolls of said Orange County; provided further, if, in the opinion of the directors of the district, conditions shall arise during any year or years [prior to the expiration of five years next succeeding the date when this act shall become effective,] that shall necessitate the levying of an assessment exceeding *the respective amounts of the levies* [the levy of five cents] last hereinbefore provided for, then upon the affirmative vote of at least six of the members of the then board of directors of the district, the district and its board of directors may levy *an assessment which shall not exceed fifteen cents* [in the manner in this act provided for, an assessment exceeding five cents but not exceeding ten cents] for each one hundred dollars, or fraction thereof, of assessed valuation of assessable property in the district, according to the last assessment rolls of said Orange County.

SEC. 4. Section 50 of said act is amended to read:."

Amendment No. 3

On page 2, line 29, of said bill, strike out "SEC. 4", and insert

"SEC. 5".

Amendment No. 4

On page 2, line 45, of said bill, strike out "SEC. 5", and insert "SEC. 6".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 1627—An act to amend Section 94.5 of the Agricultural Code, relating to the exemption of citrus fruit fair associations from taxation.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Kraft, Mayo, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Concurrent Resolution No. 46—Relative to approving a charter of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said county at the general election held therein on the second day of November, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Breed, Brown, Busch, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Kraft, Mayo, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Williams—23.

NOES—None.

Motion to Reconsider

Senator Salsman moved to reconsider the vote whereby Senate Concurrent Resolution No. 46 was adopted.

The roll was called and Senate Concurrent Resolution No. 46 was reconsidered by the following vote :

AYES—Senators Abshire, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Watson, and Williams—29.

NOES—None.

Senate Concurrent Resolution No. 46 ordered placed on third reading file.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1197—An act to add Section 251 to the Revenue and Taxation Code, relating to the time of payments due taxing agencies.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Kraft, Mayo, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 2.45 p.m., on motion of Senator Salsman, further proceedings under the call of the Senate were dispensed with.

Assembly Bill No. 997—An act to add Section 7325 to the Business and Professions Code, relating to cosmetology.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Hulse, Jespersen, Johnson, Keating, Kraft, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, and Williams—24.

NOES—Senators Drobish and Sutton—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2349—An act to amend Sections 1703.91, 1703.92, 1703.94, 1703.95, and 1703.96 of the Insurance Code, relating to joint firm life agents' licenses.

Bill read third time, and presented by Senator Parkman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Busch, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2350—An act to amend Sections 10953.3 and 10953.4 of the Insurance Code, relating to legal reserve capital stock insurers.

Bill read third time, and presented by Senator Parkman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Busch, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Keating, Mayo, Miller, Parkman, Powers, Regan, Rich, Sutton, Tenney, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2352—An act to amend Sections 11521 and 11523 of the Insurance Code, relating to grants and annuity societies.

Bill read third time, and presented by Senator Parkman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Busch, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Keating, Mayo, Miller, Parkman, Rich, Sutton, Swing, Tenney, and Williams—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2353—An act to add Section 1153.5 to, and to amend Section 1154 of the Insurance Code, relating to assets required to be maintained by insurers.

Bill read third time, and presented by Senator Parkman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Busch, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Keating, Mayo, Miller, Parkman, Powers, Regan, Rich, Sutton, Tenney, and Williams—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 280—An act to add Article 5 to Chapter 2, Division 4, Title 1 of the Government Code, relating to public employees' loyalty oaths and checks.

Bill read third time.

REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to have the following opinions of the Legislative Counsel regarding loyalty oaths printed in the Journal:

OPINION OF THE LEGISLATIVE COUNSEL

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, May 5, 1949

Hon. Jack B. Tenney

Senate Chamber

Public Employees' Loyalty Oaths—No. 6588

DEAR SENATOR TENNEY: We have your request of May 4, 1949, asking whether Senate Bill No. 280, as amended in Senate, April 14, 1949, requiring a loyalty oath of public employees, must be referred to the Senate Finance Committee under Senate Rule 12, Subdivision 5.

Senate Rule 12, Subdivision 5, as printed in the Senate Journal of April 11, 1949, at pages 1131 and 1132, reads:

“Any bill which would require the expenditure of additional state moneys in any manner and any bill which would require the expenditure of additional state money in any manner, including any bill which creates an additional state agency or office, or adds any functions, duties, or responsibilities to an existing agency or office, shall be referred to the Finance Committee before being placed on third reading.”

The problem involved in the application of this rule is to determine whether any new function or additional expense to the state appears to be necessarily inferred as a matter of law from the context of the measure. In one sense, practically any change in the functions of a state agency will involve the element of a change in the operating costs of the agency. For example, if the Fish and Game Code were amended to include protection of additional species of fish or game, this would naturally result in an increased burden upon the department. Whether this would result in an additional cost would not be apparent until it is determined whether additional personnel would be required to enforce the provision or whether the work would be absorbed by the existing employees. The function of protecting the new species would not be a new function, but merely an additional item in the existing function for which the department is already established and operating.

Applying this problem to Senate Bill No. 280, as amended in Senate, April 14, 1949, it appears that there is now in the State Government a personnel board charged with the function of keeping employees' records. Section 18704 of the Government Code reads:

"The board shall establish and maintain in suitable form an official roster of all persons holding positions under this part and enter thereupon their names, complete record of state employment, and other facts prescribed by board rule."

Rule 36 of the State Personnel Board reads:

"At the Sacramento office of the board, the executive officer shall maintain an official roster containing the names and complete employment records of all employees holding positions in the state civil service. The roster shall contain complete records of all salary payments or other compensation allowed each employee for services rendered during his state employment."

The Government Code in Sections 18150 to 18158, inclusive, contains provisions for the filing of oaths for state employees. Section 18153 provides for the filing of such oaths by civil service employees with the State Personnel Board.

From these provisions of the law, it is apparent that the State Personnel Board is already charged with the duty of keeping a record of employees' oaths.

Senate Bill No. 280, it is true, creates an additional item in respect to the performance of this function. The bill contains this provision:

"Every person described in Section 1401 (any employee of the State or any of its counties, etc.) shall make and file an affidavit, as herein provided, at least once in each year of continuous employment * * *" (Sec. 1402.)

Section 1403 of the Government Code as added by the bill reads in part:

"Every employee of the State shall file the affidavit, as provided in this article, with the State Personnel Board."

These provisions call upon the Personnel Board in the performance of the functions, duties, and responsibilities already assigned to it to keep an additional record. Whether the keeping of such a record would entail the employment of additional help or otherwise result in an additional state expenditure may not be inferred as a matter of law. The board already maintains a roster with employee information available for any pay roll check which may be required and the additional check, if any, may possibly be absorbed by the board.

It appears to us that the question of additional expense to the State is factual and not legal and cannot be determined from the face of the bill. We are, therefore, of the opinion that as a matter of law we cannot say that Senate Bill No. 280, as amended, must be referred to the Senate Finance Committee, pursuant to Rule 12, subdivision 5.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH L. KNOWLES, Deputy

Copies to authors of Senate Bill No. 280
pursuant to Joint Rule 34.

OPINION OF THE LEGISLATIVE COUNSEL

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, May 5, 1949

*Hon. Jack B. Tenney**Senate Chamber*

Loyalty Oaths—No. 6563

DEAR SENATOR TENNEY:

Question

You have asked us whether we are of the same opinion as to the constitutionality of Senate Bill No. 280, as amended April 14, 1949, relating to public employees' loyalty oaths, as we concluded in our opinion dated April 20, 1949, taking into particular consideration Section 3 of Article XX of our State Constitution prohibiting the requirement from any officer of any oath other than the oath there prescribed.

Opinion

We are still of the opinion that Senate Bill No. 280, as amended, is constitutional.

Analysis

Section 3 of Article XX provides:

"Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of -----, according to the best of my ability."

"And no other oath, declaration, or test, shall be required as a qualification for any office or public trust." (Emphasis added.)

It is noted that Senate Bill No. 280 also would add Section 1405 to the Government Code to read:

"The provisions of this article shall not apply to Members of the Legislature, all officers of this State, executive and judicial, or to employees of the University of California." (Emphasis added.)

From a comparison of Section 1405 with the first paragraph of Section 3 of Article XX, it appears that the persons exempt from the provisions of Section 1405 are the same persons which Section 3 states shall take the oath set forth in that section. It would seem clear that this provision in Senate Bill No. 280, as amended, would eliminate from its purview any person required by the Constitution to take an oath under Section 3 and would apply only to state employees not included in Section 3 of Article XX.

Considering that portion of Section 3 of Article XX, that "no other oath * * * shall be required as a qualification for any office or public trust," it appears that "public trust" as so used refers to those officers

required to take the oath as enumerated in the first paragraph of Section 3.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By HARRY J. ENGLEBRIGHT, Deputy

Copies to co-authors of Senate Bill No. 280 pursuant to Joint Rule 34.

Further Consideration of Senate Bill No. 280
Point of Order

Senator Rich rose to a point of order that the discussion is not germane to the bill.

The President ruled the point of order well taken.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill as amended, strike out lines 31 to 46, inclusive.

Amendment No. 2

On page 3 of said bill, strike out lines 1 to 3, inclusive.

Amendments read.

Roll Call Demanded

Senators Judah, Tenney, and Donnelly demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Dillinger, Drobish, Jespersen, Judah, Mayo, Miller, and O'Gara—13.

NOES—Senators Burns, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Hulse, Johnson, Keating, Kraft, McBride, Parkman, Powers, Regan, Rich, Sutton, Tenney, Watson, and Williams—20.

Further Consideration of Senate Bill No. 280

Senate Bill No. 280—An act to add Article 5 to Chapter 2, Division 4, Title 1 of the Government Code, relating to public employees' loyalty oaths and checks.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Tenney, Watson, and Williams—32.

NOES—Senator Miller—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 515—An act to add Section 1106 to the Labor Code, relating to the hiring and discharging of employees.

Bill read third time.

REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to have the following opinion of the Legislative Counsel regarding loyalty oaths printed in the Journal:

Opinion of the Legislative Counsel

COPY

SACRAMENTO 2, CALIFORNIA, May 5, 1949

Hon. Gerald J. O'Gara
Senate Chamber

Loyalty Oaths and Checks—No. 6486

DEAR SENATOR O'GARA:

Question

Would Senate Bills Nos. 280 and 515, as amended, be unconstitutional in view of *Cummings v. Missouri* (1866), 71 U. S. 277?

Opinion

It is our opinion that the above bills are constitutional.

Analysis

The assertion has been made that the above bills are invalid as bills of attainder and ex post facto laws on the basis of *Cummings v. Missouri* (1866) 71 U. S. 277. That case involved a loyalty oath, required by the Missouri Constitution. The United States Supreme Court declared it unconstitutional as in violation of the sections of the Federal Constitution which provide, "that no state shall pass any bill of attainder or ex post facto law."

However, a comparison of the oath required in the Missouri Constitution and the oath required in Senate Bill No. 280 makes it clear that the only similarity between the two oaths is the fact that they are both titled "loyalty oaths."

The Missouri Constitution required that persons swear among other things that they had never indicated, in the past, in any terms their dissatisfaction to the Government of the United States or had otherwise sympathized with or advocated triumph of enemies of the United States. This oath had to be sworn to before any citizen could

- "1. Vote at any election.
2. Hold any office.
3. Be a candidate for office.
4. Serve as a juror.
5. Practice as an attorney or counselor at law.
6. Be an officer, councilman, director, trustee or manager of any corporation.
7. Be a professor or teacher in any school, public or private.
8. Hold any property in trust for any church, religious society or congregation.
9. Act as a bishop, priest, deacon, minister, elder or other clergyman of any religious denomination.
10. Or preach, or teach, or solemnize marriages."

If the citizen could not so swear he was denied any of the above listed rights or privileges.

In comparing the above oath with the oath in Senate Bill No. 280, the employee is required to swear as to whether or not he advocates or is a member of any organization which advocates the violent overthrow of the government. As distinguished from the Missouri oath, he is permitted to take the oath whether he advocates or does not advocate the violent overthrow of the government. He is not denied employment even in the state service for any reason other than failure to give his affidavit, but that affidavit regardless of his feelings or advocacy is not impossible to render. In the Missouri oath if a person had in the past acted or indicated in any terms his dissatisfaction of the government, he was denied employment due to his inability to take the oath.

The Missouri oath related to past actions, the oath in Senate Bill No. 280 requires an affidavit that the employee does not now advocate or is a member of an organization which advocates the violent overthrow of the government other than organizations which he lists in his affidavit. He is also required to swear that he will not in the future become a member of any other organizations which so advocate during the time he is in the employment of the State.

There is a provision in the oath in Senate Bill No. 280 whereby the State Personnel Board may list organizations, designated as subversive and un-American by the Attorney General of the United States and by the congressional committees investigating un-American activities, which the employee may be required to check as to whether he has ever been a member of such organizations as are listed therein. However, as stated in the bill this list is solely for evidentiary purposes. If it is used for such purposes, it does not deny the employee the right to prove that he is not now a member of such organization or that while he may still be a member of such organization that the Attorney General of the United States or the congressional committees were wrong in their classification and in either case that such evidence should therefore be disregarded.

Senate Bill No. 280, as distinguished from the Missouri Constitution, does not punish any employee for actions. In fact, it does not punish any employee for any actions except failure to submit the required affidavit. The employee is not denied employment by this bill; he is not denied any of his now existing rights or remedies for appeal from any action which the State Personnel Board might take as a result of his affidavit to the courts of this State or the United States.

Thus, it would seem that the Cummings case is distinguishable on its facts and no conclusions as to the constitutionality of Senate Bill No. 280 could be based upon that case.

In regards to Senate Bill No. 515 as amended, it would seem clear that the objections as to the constitutionality of this bill raised by Mr. McTernan's letter would not be applicable. Senate Bill No. 515 does not authorize an employer to hire or fire an employee for any reason, and does not deny any person employment for failure to take an oath. Senate Bill No. 515 does remove from the application of a law passed by the Legislature (Section 1101 of the Labor Code), a limited classification of employers and by so doing would permit an employer engaged in national defense to require such an oath from his employee without liability under Section 1101 of the Labor Code.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By HARRY J. ENGLEBRIGHT, Deputy

Copies to authors of Senate Bill No. 280
and Senate Bill No. 515 pursuant to
Joint Rule 34.

Further Consideration of Senate Bill No. 515

Point of Order

Senator Rich rose to a point of order that discussion is not germane to the bill.

The President ruled the point of order well taken.

The question being on the final passage of Senate Bill No. 515.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Tenney moved a call of the Senate.

Motion carried. Time, 4.08 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2351—An act to amend Sections 1649, 1679, 1706, 1709, 1808, and 1810.5 of the Insurance Code, relating to the licensing of insurance agents, brokers, solicitors and life agents, and to bail agents, permittees and solicitors.

Bill read third time, and presented by Senator Parkman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.14 p.m., on motion of Senator Tenney, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 515 passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Watson, and Williams—33.

NOES—Senator Miller—1.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Miller asked for, and was granted, unanimous consent to have the following explanation of his vote on Senate Bills Nos. 280 and 515 printed in the Journal:

Explanation of Vote on Senate Bills Nos. 280 and 515

Those who've sought
To hinder thought
Have always found
It gets around

SENATOR MILLER

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2674—An act to amend Sections 1850.4 and 1851 of the Insurance Code, relating to rates and rating and other organizations.

Bill read third time, and presented by Senator O'Gara.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 581—An act to amend Section 28149 of the Government Code, relating to compensation for public services in counties of the forty-ninth class.

Bill read third time, and presented by Senator Regan.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2898—An act validating the formation and existence of county water works districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold and all proceedings for the issuance of bonds heretofore had and taken by such districts, and providing for the payment of such bonds.

Bill read third time, and presented by Senator Burns.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parkman, Powers, Regan, Rich, Sutton, Tenney, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1107—An act to amend Section 886 of the Fish and Game Code, relating to fish for bait.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, Regan, Rich, Tenney, and Watson—24.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Watson asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 76, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 76

Assembly Concurrent Resolution No. 76—Relative to approving amendments to the charter of the City of Huntington Beach, a municipal corporation in the County of Orange, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Salsman, Tenney, Watson, and Williams—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Assembly Bill No. 258—An act to amend Section 4701 of the Labor Code, relating to workmen's compensation.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Mayo, Miller, Powers, Regan, Rich, Salsman, Tenney, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 416—An act to add Section 638.1 to the Welfare and Institutions Code, relating to the duties of probation officers.

Bill read third time, and presented by Senator Busch.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Cunningham, Dillinger, Donnelly, Dorsey, Jespersen, Johnson, Judah, Keating, Mayo, Miller, Powers, Rich, Salsman, Tenney, Watson, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 417—An act to amend Section 871 of the Welfare and Institutions Code, relating to support of wards of the juvenile court.

Bill read third time, and presented by Senator Busch.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Jespersen, Johnson, Judah, Keating, Kraft, Miller, Powers, Rich, Salsman, Tenney, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 330—An act to add Section 729 to the Welfare and Institutions Code, relating to the detention of minors by peace officers and probation officers when such detention is necessary for the health and welfare of such minors.

Bill read third time.

Motion to Amend

Senator Judah moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, after line 24, insert

"In all cases such minor shall, while being so detained, be segregated from minors charged with any criminal offense under Section 700 of the Welfare and Institutions Code, or section of any other code or provision of law."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1035—An act to add Title 2, comprising Sections 15001 to 15700, inclusive, and Section 100002 to the Corporations Code, relating to partnerships and matters incidental thereto, consolidating and revising the law relating thereto, and repealing certain acts and parts of acts specified therein.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Powers, Rich, Salsman, Tenney, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1036—An act to add Title 4, comprising Sections 25000 to 26104, and Section 100005 to the Corporations Code, thereby codifying and repealing the Corporate Securities Act, and consolidating and revising the law relating to securities as defined therein, the prevention of fraud in the sale thereof, and the regulation and supervision of companies, brokers, agents, and investment counsel in relation

thereto by the Commissioner of Corporations and the Division of Corporations.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Powers, Rich, Salsman, Tenney, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1037—An act to add Division 2, comprising Sections 27000 to 27203, inclusive, to Title 4 of, and Section 100006 to the Corporations Code, thereby codifying, consolidating, and revising the law relating to solicitation and collection of funds from security owners and holders for the protection, enforcement, or representation of their rights, providing for regulation and supervision by the Commissioner of Corporations of the solicitation, collection, and application of such funds, and requiring persons and organizations to obtain certificates from him prior to engaging in such solicitation and collection, and repealing the act codified therein.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Powers, Rich, Salsman, Tenney, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1039—An act to add Division 4, comprising Sections 29000 to 29201, inclusive, to Title 4 of and Section 100008 to the Corporations Code, thereby codifying and revising the law relating to certain transactions in respect to securities and commodities defined therein as bucketing and bucket shopping, prohibiting the keeping of bucket shops, making or offering to make contracts or sales constituting bucketing, and other acts preliminary or incidental thereto, requiring the keeping of records or books of account and the furnishing of statements of facts by persons making purchases or sales of securities or commodities, and fixing penalties for violations thereof, and repealing the act so codified.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, Powers, Rich, Salsman, Tenney, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Busch:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation to the Vocational Education Fund for peace officers training.

Respectfully submitted,

SENATOR BUSCH

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Education.

POWERS, Chairman

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Powers moved a call of the Senate.

Motion carried. Time, 4.45 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1040—An act to amend Section 25154 of the Corporations Code, relating to acts permitted to be performed by or in behalf of corporations prior to the issue of any shares.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Powers, Rich, Salsman, Tenney, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1045—An act to amend Sections 25009, 25101, and 26003 of the Corporations Code, relating to securities, the prevention of fraud in the sale thereof, and the regulation and supervision of companies, brokers, agents, and investment counsel in relation thereto by the Commissioner of Corporations and the Division of Corporations.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Rich, Salsman, Tenney, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1046—An act to amend Section 26104 of the Corporations Code, relating to securities, the prevention of fraud in the sale thereof, and the regulation and supervision of companies, brokers, agents, and investment counsel in relation thereto by the Commissioner of Corporations and the Division of Corporations.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Busch, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.55 p.m., on motion of Senator Powers, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senator Busch was granted permission to introduce a bill by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Watson, and Williams—31.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1628: By Senator Busch—An act making an appropriation to the Vocational Education Fund for peace officers training.

Referred to Committee on Education.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Johnson:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 5551 of the Streets and Highways Code, relating to appropriations to aid the construction of generally used structures.

Respectfully submitted,

SENATOR JOHNSON

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1949

The Committee on Rules recommends that permission be granted to introduce the bills as requested, and that the bills be referred to Committee on Transportation.

POWERS, Chairman

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Powers moved a call of the Senate.

Motion carried. Time, 4.59 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 646—An act to amend Section 7408 of the Education Code, relating to school district bond elections.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Busch, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 642—An act to add Section 1301.1 to the Education Code, relating to the employment of assistant and deputy superintendents of school districts.

Bill read third time, and presented by Senator Jespersen.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Busch, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2216—An act to add Section 22264 to the Water Code, relating to irrigation districts.

Bill read third time, and presented by Senator Drobish.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 916—An act to amend Section 202 of the Welfare and Institutions Code, relating to county contracts for medical and hospital services.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating,

Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Sutton, Tenney, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1799—An act to amend Section 29483 of the Government Code, relating to the payment to counties of United States forest reserve receipts.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1962—An act to amend Section 16374 of the Government Code, relating to the reversion of unclaimed trust money.

Bill read third time, and presented by Senator Watson.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1662—An act to amend Sections 6852, 6855, 6857, 6861, 6862, 6864, 6865, 6866, 6876, 6877, 6878, 6880, 6885, 6886, 6889, 6890, 6895, 6897, 6898, 6902, 6906, 6907, 6908, 6909, 6910, 6911, 6912, 6913, 6914, 6915, 6916, 6922, 6923, 6925, 6926, 6930, 6950, and to add Sections 6858, 6931, 6947, 6948, and to renumber Sections 6939 and 6940 of the Business and Professions Code, relating to the regulation and licensing of collection agencies.

Bill read third time, and presented by Senator Busch.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 959—An act to amend Section 1016 of, and to add Sections 1016.1 and 1016.2 to, the Fish and Game Code, relating to fish packing and reduction privilege taxes.

Bill read third time, and presented by Senator Busch.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Powers, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 100—An act to amend Section 5470 of the Health and Safety Code, relating to sewer rental charges and the use of moneys received therefrom.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 101—An act to amend Section 770 of the Vehicle Code, relating to disposition by cities of certain fines and forfeitures.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 155—An act to amend Section 4650 of the Labor Code, dealing with workmen's compensation.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Keating asked for, and was granted, unanimous consent to have Senate Bill No. 99, Assembly Bills Nos. 1098, 1101, 1102, 1103, 1104, and 1111 passed on file and retain their place on file until the next legislative day.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.30 p.m., on motion of Senator Powers, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senator Johnson was granted permission to introduce a bill by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Watson, and Williams—31.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 1629: By Senator Johnson—An act to amend Section 5551 of the Streets and Highways Code, relating to appropriations to aid the construction of generally used structures.

Referred to Committee on Transportation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1017

Senator Jespersen moved that Senate Bill No. 1017 be withdrawn from Committee on Fish and Game for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1017—An act to amend Sections 806, 806.5, and 807 of, and to add Section 806.7 to, the Fish and Game Code, relating to Pismo clams.

Bill read second time.

Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended in Senate April 1, 1949, strike out lines 10 to 13, inclusive, and insert "poses only on Pismo and Oceano Beaches. Pismo clams may be".

Amendment No. 2

On page 1 of said bill, strike out lines 20 and 21, and insert

"806.7. Pismo clams may not be taken for commercial purposes except under a revocable permit issued by the commission, and under such rules and regulations as the commission may prescribe."

Amendment No. 3

On page 1, line 22, of said bill, after "one", insert "calendar".

Amendment No. 4

On page 2, line 6, of said bill, after "clam", insert "taken under a revocable permit".

Amendment No. 5

On page 2, line 6, of said bill, strike out "unless taken as", and strike out line 7, and insert "or sold beyond the limits of Arroyo Grande Township. No Pismo".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 900

Senator Jespersen moved that Senate Bill No. 900 be withdrawn from Committee on Fish and Game for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 900—An act to repeal Article 8, comprising Sections 230 and 231, of Chapter 1 of Division 2 of, and to add Section 804.5 to, the Fish and Game Code, relating to the taking of clams.

Bill read second time.

Motion to Amend

Senator Jespersen moved the adoption of the following amendment :

Amendment No. 1

On page 1 of the printed bill, strike out lines 4 to 7, inclusive, and insert "804.5. The commission shall close for the taking of clams not less than eight land miles of Pismo clam bearing beaches within or offshore from San Luis Obispo County as a clam preserve or preserves; provided, that not more than 50 percent of any individual Pismo clam bearing beach or beaches may be so closed at any time. The commission may from time to time vary the location of the closed and open portions of such beaches."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY, CALIFORNIA LEGISLATURE
STATE CAPITOL, SACRAMENTO, May 5, 1949

*Mr. Joseph A. Beek, Secretary of the Senate
State Capitol, Sacramento 14, California*

DEAR MR. BEEK: I have been instructed by the Assembly to request the Senate to return Senate Bill No. 1094 for further consideration by the Assembly and to show upon the records of the Senate that the Senate deems Senate Bill No. 1094 not to have been transmitted to it by the Assembly.

Sincerely yours,

ARTHUR A. OHNIMUS, Chief Clerk

MOTION TO RETURN SENATE BILL NO. 1094 TO ASSEMBLY

Senator Powers moved that Senate Bill No. 1094 be returned to the Assembly pursuant to their request for further consideration.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 162
Assembly Bill No. 265
Assembly Bill No. 362
Assembly Bill No. 365
Assembly Bill No. 470
Assembly Bill No. 526
Assembly Bill No. 570
Assembly Bill No. 688
Assembly Bill No. 820
Assembly Bill No. 1071
Assembly Bill No. 1240
Assembly Bill No. 1626
Assembly Bill No. 1846
Assembly Bill No. 1926
Assembly Bill No. 2054

Assembly Bill No. 2367
Assembly Bill No. 2555
Assembly Bill No. 2577
Assembly Bill No. 2578
Assembly Bill No. 2579
Assembly Bill No. 2582
Assembly Bill No. 2583
Assembly Bill No. 2587
Assembly Bill No. 2588
Assembly Bill No. 2591
Assembly Bill No. 2592
Assembly Bill No. 2595
Assembly Bill No. 2596
Assembly Bill No. 2835
Assembly Bill No. 3113

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 162—An act to amend Section 4853 of the Labor Code, relating to disability payments for city policemen and firemen.

Referred to Committee on Local Government.

Assembly Bill No. 265—An act to add Section 3456a $\frac{1}{2}$ to the Political Code, relating to the raising of money for reclamation districts by means of taxation.

Referred to Committee on Local Government.

Assembly Bill No. 362—An act amending Sections 31672 and 31700 of the Government Code, and adding Section 31700.5 thereto, relating to rights of members of county employees' retirement systems.

Referred to Committee on Local Government.

Assembly Bill No. 365—An act adding Section 10.2 to the Political Code, relating to holidays.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 470—An act to add Sections 4007.5 and 4007.7 to the Penal Code, relating to unfit, unsanitary, and overcrowded county jails.

Referred to Committee on Local Government.

Assembly Bill No. 526—An act to amend Section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City of Santa Monica upon certain trusts and conditions," relating to the use of certain tidelands and submerged lands granted to the City of Santa Monica.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 570—An act to amend Section 28106 of the Government Code, relating to compensation for public services in counties of the sixth class.

Referred to Committee on Local Government.

Assembly Bill No. 688—An act to amend Section 2150 of the Streets and Highways Code, relating to moneys received by counties from the Highway Users Tax Fund.

Referred to Committee on Local Government.

Assembly Bill No. 820—An act to amend Section 20060 of the Government Code, relating to the State Employees' Retirement System, authorizing the employment by contracting agencies of retired members to render consulting services.

Referred to Committee on Local Government.

Assembly Bill No. 1071—An act to amend Sections 7401 and 7457 of the Revenue and Taxation Code, relating to motor vehicle fuel license

taxes, providing for special license tax refund procedure for distributions of liquefied petroleum gas and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1240—An act to amend Section 27122 of the Streets and Highways Code, relating to bridge and highway districts, and the number of directors thereof.

Referred to Committee on Local Government.

Assembly Bill No. 1626—An act to amend Sections 18100, 18102, 18105, 18200, 18300, 18302, 18408, 18460, 18461, 18464, 18466, 18467, 18470, 18625, 18650, 18652, 18654, 18656, 18658; and to add Sections 18104.5, 18106.5, 18107.1, 18203, 18400.5, 18401, 18401.1, 18401.2, 18401.3, 18432.5, 18432.6, 18432.7, Article 2.5 (comprising Section 18440), Article 2.6 (comprising Sections 18450 and 18451), and Article 2.7 (comprising Section 18455.5) to Chapter 4, Part 2, Division 13, Sections 18460.4, 18466.5, 18466.6, 18466.7, 18466.8, 18467.5, 18470.5, 18600, 18600.5, 18625.5, 18625.6, 18625.7, 18650.2, 18656.8, 18710.5, Chapter 5.5 (comprising Sections 18715 and 18715.1) to Part 2, Division 13, and Section 18720.7 to; and to repeal Sections 18302.5 and 18600 of, the Health and Safety Code, relating to auto courts, resorts, and motels and auto and trailer parks.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1846—An act to amend Section 4 of the Municipal Improvement Act of 1913, relating to improvement proceedings.

Referred to Committee on Local Government.

Assembly Bill No. 1926—An act to amend Section 16486 and to add Section 16486a to the Education Code, relating to absences of pupils for dental treatment.

Referred to Committee on Education.

Assembly Bill No. 2054—An act to add Section 19261 to the Government Code, relating to the powers and duties of the State Personnel Board.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2367—An act to amend Section 7 of "An act entitled an act to provide for the protection of lands from overflow other than lands recognized as swamp lands," approved April 15, 1880, relating to protection districts.

Referred to Committee on Local Government.

Assembly Bill No. 2555—An act to add Section 226a to the Civil Code, relating to consent of natural parents to adoption.

Referred to Committee on Judiciary.

Assembly Bill No. 2577—An act to amend Section 1018 of the Penal Code, relating to pleadings and proceedings after indictment.

Referred to Committee on Judiciary.

Assembly Bill No. 2578—An act to amend Section 987a of the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime.

Referred to Committee on Judiciary.

Assembly Bill No. 2579—An act to amend Section 995 of the Penal Code, and to add Section 999a thereto, relating to proceedings after indictment.

Referred to Committee on Judiciary.

Assembly Bill No. 2582—An act to amend Section 147 of the Penal Code, relating to punishment for inhumanity toward prisoners.

Referred to Committee on Judiciary.

Assembly Bill No. 2583—An act to amend Section 149 of the Penal Code, relating to punishment of public officers for assaults.

Referred to Committee on Judiciary.

Assembly Bill No. 2587—An act to amend Sections 1089 and 1098 and to add Section 1070.5 to the Penal Code, relating to alternate jurors and the number of challenges in criminal cases.

Referred to Committee on Judiciary.

Assembly Bill No. 2588—An act to amend Sections 1123 and 1140 and to repeal Section 1139 of the Penal Code, relating to discharge of jurors.

Referred to Committee on Judiciary.

Assembly Bill No. 2591—An act to amend Section 1041 of the Penal Code, defining issue of fact.

Referred to Committee on Judiciary.

Assembly Bill No. 2592—An act to amend Sections 858 and 987 of the Penal Code, relating to the duty of magistrates and courts to inform defendants of their right to counsel, and to the assignment of counsel.

Referred to Committee on Judiciary.

Assembly Bill No. 2595—An act to amend Section 1506 of the Penal Code, relating to appeals in habeas corpus cases.

Referred to Committee on Judiciary.

Assembly Bill No. 2596—An act to amend Section 403 of the Penal Code, relating to disturbing public meetings.

Referred to Committee on Judiciary.

Assembly Bill No. 2835—An act to amend Sections 18737 and 18742 of, and to add Sections 18736.5 and 18736.6 to the Business and Professions Code, relating to boxing.

Referred to Committee on Business and Professions.

Assembly Bill No. 3113—An act to repeal Chapter 2 of Part 1 of Division 14 of, and add Chapter 2 of Part 1 of Division 14 to the Health and Safety Code, relating to police protection districts.

Referred to Committee on Public Health and Safety.

REPORTS OF STANDING COMMITTEES

Committee on Labor

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Labor, to which were referred:

Assembly Bill No. 326

Assembly Bill No. 1731

Assembly Bill No. 231

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 5; absent 2.

JUDAH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Senate Bill No. 1097

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 7; committee vote: Ayes 6; absent 1.

JUDAH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Senate Bill No. 1038

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 7; committee vote: Ayes 6; absent 1.

JUDAH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Labor, to which were referred:

Senate Bill No. 516

Assembly Bill No. 236

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 6; absent 1.

JUDAH, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 5.37 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 9.30 a.m., Friday, May 6, 1949.

JOHN F. LEA. Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTY-SIXTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, May 6, 1949

The Senate met at 9.30 a.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Kraft, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—32.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Breed, on motion of Senator Powers, due to legislative business.

Senator Johnson, on motion of Senator Powers, due to legislative business.

Senator Mayo, on motion of Senator Powers, due to legislative business.

Senator Regan, on motion of Senator Powers, due to legislative business.

Senator McBride, on motion of Senator Powers, due to legislative business.

Senator Parkman, on motion of Senator Powers, due to legislative business.

Senator Keating, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George H. Barnett of Bakersfield.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 469

Senate Bill No. 1098

Senate Bill No. 583

Senate Bill No. 1236

Senate Bill No. 677

Senate Bill No. 1450

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1371

Assembly Bill No. 1910

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1713

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2057

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 409

Assembly Bill No. 2045

Assembly Bill No. 679

Assembly Bill No. 2047

Assembly Bill No. 1836

Assembly Bill No. 2058

Assembly Bill No. 2038

Assembly Bill No. 2062

Assembly Bill No. 2040

Assembly Bill No. 3112

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1900

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Abshire moved that Assembly Bill No. 1203 be taken from the inactive file and placed on the second reading file.

Motion carried.

CONSIDERATION OF DAILY FILE**THIRD READING OF SENATE BILLS****REQUEST FOR UNANIMOUS CONSENT**

Senator Dillinger asked for, and was granted, unanimous consent to have Senate Bills Nos. 191, 833, and 625 passed on file and retain their place on file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Kraft asked for, and was granted, unanimous consent to have Senate Bill No. 967 passed on file and retain its place on file until the next legislative day.

Senate Bill No. 288—An act to amend Section 27 of the Bank and Corporation Franchise Tax Act, relating to overpayment of taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Kraft, O'Gara, Powers, Rich, Salsman, Swing, Watson, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 846—An act to amend Section 20 of the Corporation Income Tax Act, relating to overpayment of taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Kraft, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 847—An act to amend Section 19062 of, and to add Sections 19062.1, 19062.2, 19062.3, 19062.4, 19062.5, 19062.6, 19062.7, 19062.8, and 19062.9 to the Revenue and Taxation Code, relating to overpayment of taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Kraft, Miller, O'Gara, Powers, Rich, Salsman, Swing, Watson, and Williams—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 514—An act to add Sections 9027 and 9028 to the Government Code, creating the Senate Contingent Fund in the State Treasury, specifying the appropriations to be deposited therein, and providing for its disbursement upon warrants drawn by the Controller at the direction of the continuing Senate Committee on Rules, or pursuant to Senate rule, order, or resolution.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Kraft, Miller, O'Gara, Rich, Salsman, Sutton, Swing, Watson, and Williams—24.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 677—An act to add Section 1159 to the Fish and Game Code, relating to the establishment of cooperative hunting areas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Collier, Coombs, Cunningham, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Jespersen, Judah, Kraft, Miller, Powers, Rich, Watson, and Williams—21.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1236—An act to repeal Section 24 of, and to add Section 24 to, the Fish and Game Code, relating to seizure of illegal birds, mammals or fish.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Judah, Kraft, Miller, Powers, Rich, Swing, Tenney, Ward, Watson, and Williams—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Senate Bill No. 1326—An act to repeal Sections 12041.1 and 12401.1 of the Education Code; to add Sections 12011, 12012, 12105, 12106, 12401.1, and 12401.2 to said code; and to amend the heading of Article 7 of Chapter 1 of Division 7 of said code, all relating to the authorization of persons to serve in the public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Kraft, Rich, Salsman, Swing, Tenney, Ward, Watson, and Williams—24.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1394—An act to amend Sections 6, 16, 17, 50, 51, and 66 of the Orange County Water District Act, relating to powers, duties and compensation of the board of directors of, inclusion of lands in, and exclusion of lands from, the Orange County Water District.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Kraft, Miller, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1647—An act to amend Section 1300.15 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency thereof, to take effect immediately.

Motion to Set Special Order

Senator Hatfield moved that Assembly Bill No. 1647 be made a special order of business for Tuesday, May 10, 1949, at 3 p.m.

Motion carried.

Assembly Bill No. 1421—An act to add Section 9095 to the Insurance Code, relating to fraternal fire insurers.

Bill read third time, and presented by Senator Sutton.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Kraft, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 939—An act to amend Section 497 of the Fish and Game Code, relating to closures to fishing.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Kraft, Miller, Rich, Salsman, Sutton, Swing, Tenney, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 941—An act to amend Section 1158 of the Fish and Game Code, relating to hunting.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Kraft, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Watson and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 943—An act to repeal Sections 1040, 1041, and 1042 and to amend Section 1043, of the Fish and Game Code, relating to fish breeding.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2076—An act to add Section 2117.5 to the Streets and Highways Code, relating to the Highway Users Tax Fund.

Bill read third time, and presented by Senator Powers.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Kraft, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—27.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 200—An act to add Article 5 to Chapter 1, Part 5, Division 11, of the Water Code, relating to flood control.

Bill read third time, and presented by Senator Burns.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Kraft, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 453—An act to amend Section 18852 of the Government Code, relating to salaries of state employees.

Bill read third time, and presented by Senator Desmond.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Collier, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Jespersen, Kraft, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—23.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1857—An act to amend Section 16475 of the Government Code, relating to the disposition of interest and other increment derived from the investment of surplus moneys in special funds in the State Treasury.

Bill read third time, and presented by Senator Coombs.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Collier, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Jespersen, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—22.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2355—An act to add Section 17007 to the Government Code, relating to the designation of funds by code number, letter, or combination thereof, on all warrants issued by the Controller, and on all reports furnished by the Controller and Treasurer to each other.

Bill read third time, and presented by Senator Coombs.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Jespersen, Kraft, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2162—An act to amend Sections 17221 and 17242 of the Government Code, relating to the registration of warrants drawn against the General Fund.

Bill read third time, and presented by Senator Coombs.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Kraft, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 521—An act to repeal Sections 4136, 4137, 4138, and 4139 of, and to add Sections 4136, 4137, 4138, and 4139 to, the Health and Safety Code, relating to garbage disposal districts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Kraft, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1768—An act to amend Section 9 of the Franchise Act of 1937, relating to franchises and the filing of bond.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Jespersen, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1012—An act to amend Section 25365 of the Government Code, relating to the powers and duties of boards of supervisors.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Jespersen, Kraft, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 249—An act to add Section 10115 to the Insurance Code, relating to life insurance policies.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Miller, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 767—An act to amend Sections 16 and 27 of the Vehicle Parking District Act of 1943, relating to motor vehicle parking facilities.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Miller, Powers, Rich, Sutton, Swing, Ward, Watson, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Tenney moved that Assembly Bill No. 556 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO RE-REFER ASSEMBLY BILL NO. 375

Senator Rich moved that Assembly Bill No. 375 be re-referred to the Committee on Finance.

Motion carried.

MOTION TO REQUEST THE ASSEMBLY TO RETURN SENATE BILL NO. 1094

Senator Dilworth moved that the Secretary be instructed to request the Assembly to return Senate Bill No. 1094 to the Senate for further consideration.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED) SECOND READING OF SENATE BILLS

Senate Bill No. 159—An act to add Section 387 to the Agricultural Code, relating to care of dairy cows offered for sale.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "It shall be unlawful to", and insert "No auctioneer shall".

Amendment No. 2

On page 1, line 4, of said bill, strike out the words "private or public", and "which includes".

Amendment No. 3

On page 1, line 5, of said bill, strike out the words "dairy cows".

Amendment No. 4

On page 1, line 5, of said bill, following the word "milked", insert "out and stripped".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 367—An act to repeal Sections 89.5, 89.6, 89.7, and 89.8 of the Agricultural Code, relating to the powers of district agricultural associations and counties in relation to property and funds for fair purposes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and 89.8", and insert "89.8, and 92.1".

Amendment No. 2

In line 2 of the title of said bill, after "to", insert "county and district agricultural association fairs, thereby repealing certain obsolete provisions relating to the allocation of funds and".

Amendment No. 3

On page 1, line 1, of said bill, strike out "and 89.8", and insert "89.8 and 92.1".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 221—An act to add Section 1066.7 to the Agricultural Code, relating to economic poisons.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

Strike out line 2 of the title of the printed bill, and insert "to herbicides dangerous to crops."

Amendment No. 2

On page 1 of said bill, strike out lines 3 to 18, inclusive, and insert "1066.7. It is unlawful to use any form of 2,4-D or other herbicide which the director finds and determines to be dangerous to crops, except as provided in this section and the rules and regulations of the director.

The director after investigation may adopt rules and regulations governing the use of 2,4-D and other herbicides which he finds and determines to be dangerous to crops that are or may be grown in any area of the State. Such rules and regulations may prescribe the time when and the conditions under which such herbicides may be

used in different areas of the State, and may provide that such herbicides shall be used only under permit of the commissioner or under his direct supervision, in certain areas, or under certain conditions, or in excess of certain quantities or concentrations.

Nothing in this section shall be construed to operate to relieve any person from liability for any damage to the property of another caused by the use of the herbicides named in the rules and regulations of the director."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 1097—An act to amend Section 3352 and to repeal Sections 3358.5 and 5704.5 and Chapters 8 and 9 of Part 1 of Division 4 of the Labor Code, relating to workmen's compensation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 1 of the printed bill, between lines 6 and 7, insert

"Any person employed in farm, dairy, agriculture, viticulture or horticultural labor or in stock or poultry raising where the employment does not exceed fifteen successive working days."

Amendment No. 2

On page 2 of said bill, between lines 2 and 3, insert

"Any person engaged in household domestic service where the employment does not exceed fifteen successive working days."

Amendment No. 3

On page 2, line 7, of said bill, strike out "chapters 8 and", and insert "Chapter".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Senate Bill No. 1038—An act to amend Section 4458 of the Labor Code, relating to workmen's compensation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 1, lines 8 and 9, of the printed bill, after the word "be", strike out "taken as thirty-eight dollars and forty-six cents (\$38.46)".

Amendment No. 2

On page 1, lines 8 and 9, of said bill, after the word "be", insert "in accordance with the maximum provisions of Section 4453 of this code".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 516—An act to add Section 1018 to the Labor Code, relating to membership in labor organizations of persons advocating or having membership in organizations which advocate the overthrow of the government by unlawful means or pledged to support a foreign government against the United States in event of hostilities.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 18—An act to amend Sections 985, 986.3, 986.5, 986.6, and 986.9 and to repeal Section 986.4 of the Military and Veterans Code, relating to farm and home purchases for veterans.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1991—An act to amend Section 526 of the Agricultural Code, relating to milk products plants.

Bill read second time, and ordered to third reading.

Assembly Bill No. 923—An act to amend Section 18.1 of the Agricultural Producers Marketing Act, relating to amendments to marketing programs and declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 925—An act to amend Sections 1300.1, 1300.1a, 1300.4a, and 1300.6 of the Agricultural Code, relating to processors of farm products.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1569—An act to amend Sections 1300.13, 1300.16, and 1300.28 of the Agricultural Code, relating to marketing agreements and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1576—An act relating to the application for, acceptance and use of, funds or assets of the California Rural Rehabilitation Corporation from the trustee thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1578—An act to amend Section 788 of, and to add Section 829.8 to, the Agricultural Code, relating to standard containers for fruits and vegetables.

Bill read second time, and ordered to third reading.

Assembly Bill No. 96—An act to amend Section 102 of the Agricultural Code, relating to the fees of the Agricultural Commissioner.

Bill read second time, and ordered to third reading.

Assembly Bill No. 326—An act to amend Section 800 of the Labor Code, relating to midday meals of employees in the lumber industry.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1731—An act to amend Section 4903 of the Labor Code, relating to liens.

Bill read second time, and ordered to third reading.

Assembly Bill No. 231—An act to amend Section 4455 of the Labor Code, dealing with workmen's compensation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 236—An act to amend Sections 1394 and 1308 of the Labor Code, relating to activities of minors.

Bill read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:
Senate Bill No. 477

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 9; absent 4.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:
Senate Bill No. 485

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 9; absent 4.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Senate Bill No. 351

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

WARD, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to take up Senate Bill No. 351, at this time, for the purpose of amendment.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 351—An act to repeal Section 4237.1 of the Political Code, added by Chapter 568 of the Statutes of 1937, relating to fees for phonographic reporters.

Bill read second time.

Motion to Amend

Senator Swing moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, as amended in Senate May 3, 1949, strike out lines 2 and 3, and in line 4 strike out "utes of 1937, relating to", and insert "to amend Section 28108 of the Government Code, relating to compensation for public service in counties of the eighth class, including".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 2 of said bill, strike out lines 6, 7, and 8, and insert

"Section 28108 of the Government Code is amended to read :

28108. In a county of the eighth class the officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county, except that the following shall receive as compensation for such services the following sums :

(a) The chairman of the board of supervisors, six thousand six hundred dollars (\$6,600), and each other supervisor, one thousand eight hundred dollars (\$1,800) a year, and his necessary expenses when attending to the business of the county, other than the meetings of the board, and ten cents (\$.10) a mile in traveling to and from his residence to the county seat. Not more than one mileage at any one regular or special meeting of the board shall be allowed. The compensation provided in this section to be paid to the chairman and to each member of the board is in full for all official services performed by him in any public capacity.

(b) For attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury, three dollars (\$3) ; as a juror in the superior court, for each day's attendance, three dollars (\$3). For each mile actually traveled in attending court as a juror, in going only, ten cents (\$.10) ; for each mile actually traveled in attending meetings of the grand jury, grand jury committee meetings, and in making investigations upon the order of the grand jury, in going only, ten cents (\$.10). The grand jury may order members to act as committees thereof and to conduct investigations on its behalf.

[(c) There shall be three phonographic reporters, each of whose salary is three thousand six hundred dollars (\$3,600) a year. The salary of the reporter shall be paid at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. The salary shall be in lieu of fees received for reporting any court or grand jury proceedings and for reporting any department of the county government. The per diem fee required to be paid by parties litigant to the reporters shall be paid to the clerk of the court who shall transmit the fee to the county treasurer to be paid into the general fund of the county.

In addition to the salary, the reporter shall be allowed the fee allowed for transcribing the proceedings and testimony in such matters.

The fees for transcribing in civil cases in the superior court shall be paid by the parties litigant to the reporters, and in criminal cases shall be paid by the county, when ordered by the court, as other claims are paid.

(d) In addition to the phonographic court reporters, the judges of the superior court may by majority vote thereof appoint one reporter secretary, whose duties shall be to render such service as the judges require. The salary of the reporter secretary shall be fixed by the board of supervisors as provided by law, and shall be audited, allowed, and paid out of the general fund of the county.]"

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 594

Senator Powers moved that Senate Bill No. 594 be withdrawn from Committee on Governmental Efficiency for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 594—An act to establish a commission on organization of the executive department of the State Government, prescribing its duties and functions, and making an appropriation.

Bill read second time.

Motion to Amend

Senator Powers moved the adoption of the following amendments :

Amendment No. 1

On page 1 of the printed bill as amended April 4, 1949, strike out the title, and insert

"An act to establish a Commission on Reorganization of the State Government, prescribing its powers and duties, and making an appropriation."

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 26, inclusive, and all of pages 2 and 3, and insert

"SECTION 1. There is hereby established a commission to be designated the Commission on Reorganization of the State Government, hereinafter in this act referred to as the "commission."

SEC. 2. The commission shall consist of the following members:

(a) Ten members at large, appointed by and holding their positions as such members at the pleasure of the Governor.

(b) Three ex officio members, consisting of the Controller, the Director of Finance and the Legislative Auditor.

(c) Twelve legislative members, consisting of the President pro Tempore of the Senate and five other Members of the Senate appointed by the Committee on Rules thereof and the Speaker of the Assembly and five other Members of the Assembly appointed by the Speaker thereof.

SEC. 3. No person shall be eligible to serve as a member at large if he holds any other public office or employment for which compensation is provided.

SEC. 4. The Governor shall select its chairman from the members at large, and the commission may select such other officers as it deems desirable from its membership or otherwise.

SEC. 5. The members of the commission shall serve without compensation but all such members shall be reimbursed for their necessary traveling and other expenses in accordance with the rules of the State Board of Control. All such traveling expenses shall be paid from the money appropriated for the support of the commission.

SEC. 6. As used in this act:

(a) "State agency" includes all departments, bureaus, boards, commissions, offices, authorities, agencies, or other instrumentalities of the State Government, however created.

(b) "Local agency" includes every city, city and county, county, school district or other public district.

(c) "Federal agency" includes every agency or instrumentality created by or pursuant to any act of the Congress of the United States or under the authority of the President of the United States.

SEC. 7. The commission shall inquire into the organization of the State Government and the distribution of the powers, duties, and functions thereof among its constituent state agencies from the standpoint of efficient and economical administration of the functions of State Government, and in this connection shall inquire into the relationships of the State Government to federal agencies and to local agencies and the effects of such relationship upon functions and operations of the State Government.

SEC. 8. The commission shall inquire into the practices and procedures of state agencies in relation to fiscal procedures, expenditures, personnel, equipment, supplies and operations.

SEC. 9. The commission shall inquire into the nature and functions of the several state agencies, their relationship one to another and to the State Government as a whole, the value to the public of the services rendered by them, the efficiency and economy of their administration, and the necessity and desirability of their continuation as a part of the State Government.

SEC. 10. The commission may employ such personnel, or contract with any public or private agency for the rendition of such services as it deems necessary to carry out its duties and responsibilities under this act.

SEC. 11. Every state agency shall supply the commission with such information, data and statistics which the commission may require and shall assist and cooperate with the commission to the fullest extent not prohibited by law.

SEC. 12. The commission, or any member thereof authorized by the commission, may hold such hearings at such times and places and take such testimony as the commission or such member may deem advisable. Any member of the commission may administer oaths or affirmations to witnesses appearing before the commission or before such member. The commission, in relation to any investigation conducted by it, shall have the powers conferred upon the head of a department by the Government Code in relation to investigations and hearings.

SEC. 13. In addition to any other powers conferred upon it by this act the commission shall have full authority to do anything that is necessary to enable it to make a full and complete report to the Governor and the Legislature on all phases of State Government, including its recommendations as to:

(a) Limiting expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions.

(b) Eliminating duplication and overlapping of services, activities, and functions.

(c) Consolidating services, activities, and functions of a similar nature.

(d) Abolishing services, activities, and functions not necessary to the efficient conduct of government.

(e) Defining and limiting executive functions, services, and activities.

SEC. 14. The commission shall report to the Governor and to the Legislature not later than the thirtieth legislative day of the 1951 Regular Session of the Legislature.

SEC. 15. There is appropriated from the General Fund the sum of one hundred thousand dollars (\$100,000) for the support of the commission during the 1949-1950 and 1950-1951 Fiscal Years."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 476

Senator Hatfield moved that Senate Bill No. 476 be withdrawn from Committee on Transportation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 476—An act to add Section 10.7 to the County Highway Aid Act of 1945, relating to the expenditure of moneys for highways.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

Strike out the title of the printed bill and insert

"An act to amend Section 6 of, and add Section 9 to, an act entitled "An act providing for preparation for postwar county highway construction projects, and making an appropriation therefor," approved May 18, 1943, relating to expenditure of funds for postwar county highway construction projects, and providing penalties."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out line 1 and insert

"SECTION 1. Section 6 of the act cited in the title hereof is amended to read:

Sec. 6. Each county to which an expenditure or expenditures was delegated shall file with the department, at the close of each fiscal year [in which any such expenditures was made], a report showing all expenditures made *pursuant to this act, or that no such expenditures have been made*, in such detail as the department may require.

SEC. 2. Section 9 is added to said act, to read:

Sec. 9. Any member of the board of supervisors of any county who shall authorize or knowingly permit any expenditure of funds allocated or apportioned pursuant to the provisions of this act for any purpose other than the purpose for which the department has delegated the expenditure of such funds to such county, shall be liable to such county personally and upon his official bond for the full amount of any such expenditure so authorized or permitted by him, and shall be guilty of a misdemeanor."

Amendment No. 3

On page 1 of said bill, strike out lines 2 to 9, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 323

Senator Dillinger moved that Assembly Bill No. 323 be withdrawn from Committee on Social Welfare for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 323—An act to amend Section 41.5 of the California Unemployment Insurance Act, relating to transfer of employers' reserve accounts.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 1, of the printed bill, as amended in Senate April 29, 1949, strike out "(a)".

Amendment No. 2

On page 1, line 3, of said bill, before "Whenever", insert "(a)".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1318

Senator Busch moved that Senate Bill No. 1318 be withdrawn from Committee on Governmental Efficiency for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1318—An act to amend Sections 20024, 20603, 20750.2, 20950, 20980, 21252.1, 21290.5, 21292, 21295, 21361, and 21363 of the Government Code, and to add Sections 20652.1, 20950.3, 20950.4, 21252.15, 21292.1, and 21366.3 thereto, relating to the State Employees' Retirement System, and providing for status, rights, privileges, contributions, and benefits of patrol members thereof, and for the state contribution thereto in respect to such members.

Bill read second time.

Motion to Amend

Senator Busch moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out all of line 1 after "Sections", and strike out lines 2, 3, and 4, and insert "20603, 20750.2, 21250, 21330 of the Government Code and to add Section 21262 thereto, relating".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 22, inclusive, and on page 2, strike out lines 1 to 19, inclusive.

Amendment No. 3

On page 2 of said bill, strike out lines 31 to 50, inclusive, and all of pages 3, 4, and 5.

Amendment No. 4

On page 1 of said bill, after the title, insert

"SECTION 1. Section 20603 of the Government Code is amended to read:

20603. For each patrol member who became a member of this system, or, if entitled to credit for prior service, who entered highway patrol service, at or below age 45, the normal rate of contribution shall be such as will provide, on the average, a service retirement annuity *excluding automatic continuance of said annuity after the member's death, to surviving wife, children, or dependent parents, at age 55, or upon completion of 20 years of highway patrol service at an age higher than 55 years, equal to one-fourth of his final compensation less one-half of his prior service pension, it being the intention that the retirement allowances of such members, upon retirement at age 55 or such higher age, shall be, on the average, one-half of their final compensations, respectively.*"

Amendment No. 5

On page 2 of said bill, in line 20, strike out "SEC. 4", and insert "SEC. 2".

Amendment No. 6

On page 2 of said bill, after line 30, insert

"SEC. 3. Section 21250 of said code is amended to read:

21250. Upon retirement for service, a member is entitled to receive a service retirement allowance which shall consist of:

(a) His service retirement annuity, *including, with respect to patrol members, automatic continuance to surviving wife and children as provided in this article.*

(b) His current service pension.

(c) His prior service pension.

SEC. 4. Section 21330 of said code is amended to read:

21330. In lieu of the retirement allowance for his life alone, a member or retired member may elect, or revoke or change a previous election prior to the approval of the previous election, to have the actuarial equivalent of his retirement allowance as of the date of retirement applied to a lesser retirement allowance, in accordance with one of the optional settlements specified in this article. *Said election or revocation or change thereof, with respect to patrol members, shall apply to all of the retirement allowance, if, at the effective date of retirement for service or for industrial disability, said member has no wife, children or dependent parents who would qualify for continuance of the allowance after the death of said member; or, if at retirement said member has a wife, children or dependent parents who would so qualify, then said election, or revocation, or change thereof shall apply only to the portion of the allowance which would not be continued after the member's death, regardless of dependents.*

SEC. 5. Section 21262 is added to said code, to read:

21262. Upon the death of a patrol member after retirement for service or for industrial disability, and if death shall not be industrial, one-half his retirement allowance as it was at his death, shall be continued throughout life or until remarriage, to his surviving wife. If such death shall be industrial, all of said allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the disease which results in death, or if death shall not be industrial, unless she was married to the member at least one year prior to his retirement. If at the effective date of said retirement, said member has no wife, children or dependent parents, who would so qualify and if said member elects as provided in Section 21330 to have the actuarial equivalent of his retirement allowance applied to a lesser retirement allowance, in accordance with an optional settlement, no allowance shall be paid under this Section 21262.

SEC. 6. This act shall become effective on the first day of the month next succeeding the ninetieth day after the final adjournment of the 1949 Regular Session of the Legislature."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 1317

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Assembly Bill No. 958

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 306

Assembly Bill No. 449

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 8; absent 4.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 1049

Assembly Bill No. 715

Senate Bill No. 1051

Assembly Bill No. 1194

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 304

Assembly Bill No. 695

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; absent 5.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Assembly Bill No. 467

Assembly Bill No. 2496

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Assembly Bill No. 1353

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; noes 1; absent 4.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Assembly Bill No. 471

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Senate Bill No. 429

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Finance.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:
Assembly Bill No. 697 Assembly Bill No. 1099
Assembly Bill No. 703 Assembly Bill No. 1541

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; absent 4.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Senate Constitutional Amendment No. 14

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:
Senate Bill No. 421
Assembly Bill No. 2177

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Assembly Bill No. 209

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:
Senate Bill No. 318

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:
Senate Bill No. 404
Assembly Bill No. 1379

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:
Senate Constitutional Amendment No. 32

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:
Senate Bill No. 319
Assembly Bill No. 956

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bills re-referred to Committee on Finance.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:
Senate Bill No. 1053
Senate Bill No. 1128

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 967

Senate Bill No. 1394

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 25—An act to add Article 5 to Chapter 1 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the State Capitol Building;

Senate Bill No. 42—An act to amend Section 27288 of the Government Code, relating to the recording of documents;

Senate Bill No. 47—An act to repeal Sections 27206, 27207, 27208, and 27209, and to add Chapter 13.5, comprising Sections 26250, 26251, 26252, and 26253, to Part 2, Division 2, Title 3, of the Government Code, relating to duties of county recorders;

Senate Bill No. 51—An act to amend Section 2316 of the Public Resources Code, relating to fees for recording affidavits of labor or improvements on mining claims;

Senate Bill No. 60—An act to add Section 6904 to the Education Code, relating to the crediting of average daily attendance, declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixth day of May, 1949, at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 65—An act to amend an initiative act entitled "An act to amend an act entitled 'An act for the certification of land titles and the simplification of the transfer of real estate,' approved March 17, 1897," approved by electors November 3, 1914, by adding Sections 48.1 to 48.9, inclusive, thereto, relating to the withdrawal of land from registry under the said act, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution;

Senate Bill No. 80—An act to amend Sections 810, 828.35, and 829.25 of the Agricultural Code, relating to artichoke standards;

Senate Bill No. 219—An act to amend Section 13600 of the Government Code, relating to publications and documents;

Senate Bill No. 220—An act to amend Sections 11090 and 11091 of the Government Code, relating to state agency reports;

Senate Bill No. 330—An act to amend Sections 20017, 20021.5, 20023, 20025, 20060, 20203, 20208, 20333, 20335, 20393, 20461.5, 20532, 20563, 20580, 20583, 20630, 20654, 20655, 20656, 20750.1, 20750.2, 20750.3, 20750.4, 20867, 20894.1, 21029, 21032, 21033, 21250, 21251, 21257, 21257.1, 21258, 21295, 21364, 21366, and 21454 of the Government Code, to repeal Sections 20654.5, 20750, 21455, and Article 2.5, comprising Sections 21000 to 21002, inclusive, of Chapter 8 of Part 3 of Division 5 of Title 2 thereof, and to add Sections 20609.1, 20685, 20750.5, and 21262 thereto, all relating to the State Employees' Retirement System;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixth day of May, 1949, at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 349—An act to amend Section 25305 of the Government Code, relating to county-owned automobiles;

Senate Bill No. 405—An act to amend Section 14191 of, and to add Article 6.5, comprising Sections 14195 to 14195.4, inclusive, to Chapter 8, Part 8, Division 2 of, the Revenue and Taxation Code, relating to the compromise of death taxes;

Senate Bill No. 406—An act to add Article 6.7, comprising Sections 14197 to 14197.13, inclusive, to Chapter 8, Part 8, Division 2, of the Revenue and Taxation Code, relating to the interstate arbitration of death taxes;

Senate Bill No. 459—An act to add Section 1755.5 to the Welfare and Institutions Code, relating to the placement of persons under the jurisdiction of the Youth Authority in certain institutions under the jurisdiction of the Department of Corrections for study, diagnosis, and treatment, authorizing the Director of Corrections to receive and keep such persons therein, and providing for the status and rights of persons so placed;

Senate Bill No. 460—An act to add Article 10, comprising Sections 1250 to 1257, inclusive, to Chapter 3 of Part 1 of Division 2 of the Welfare and Institutions Code, providing for the establishment of the California Youth Training School and the commitment and transfer of youthful offenders thereto and therefrom, declaring the escape or attempted escape therefrom a crime;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixth day of May, 1949, at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 598—An act to add Article 5 to Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code and to amend Section 3325 of said code, relating to institutions for the blind under the jurisdiction of the Department of Education;

Senate Bill No. 682—An act to amend Section 2559.5 and to add Sections 2559.6, 2600.5 and 2603 to the Health and Safety Code, relating to the control of tuberculosis and providing penalties for the violation thereof;

Senate Bill No. 754—An act to amend Sections 9704 and 9705 of the Elections Code, relating to the general municipal election in cities of the fifth and sixth classes;

Senate Bill No. 789—An act to amend Sections 10170 and 10375 of the Insurance Code, relating to life and disability policies;

Senate Bill No. 796—An act to add Section 125 to the Business and Professions Code, prohibiting certain practices by persons licensed under said code and providing penalties for violations thereof;

Senate Bill No. 893—An act to amend Sections 795.1 and 795.5 of the Agricultural Code, relating to standards for citrus fruits, declaring the urgency of this act, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixth day of May, 1949 at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1013—An act to add Section 7057 to the Revenue and Taxation Code, relating to registration of employers under the California Unemployment Insurance Act by officers and employees of the Board of Equalization;

Senate Bill No. 1129—An act to validate the formation, organization, boundaries, acts, proceedings and bonds of fire protection districts in unincorporated areas;

Senate Bill No. 1162—An act to amend Section 1415 of the Health and Safety Code, and Sections 112 and 121 of the Welfare and Institutions Code, relating to licensing of hospitals;

Senate Bill No. 1169—An act to amend Section 28131 of the Government Code, relative to compensation for public services in counties of the thirty-first class;

Senate Bill No. 1245—An act to amend Sections 11371, 11380, 11382.5, 11421, 11422, and 11423 of the Government Code, relating to administrative regulations;

Senate Bill No. 1271—An act to add Section 31553.5 to the Government Code, relating to the membership of elective officers in county retirement associations, and to the rights and privileges of such members;

And reports the same have been correctly enrolled, and presented to the Governor on the sixth day of May, 1949 at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1275—An act to amend Section 441 of the Agricultural Code, relating to the powers of the Director of Agriculture;

Senate Bill No. 1354—An act to amend Section 184 of the Education Code and Section 3253 of the Welfare and Institutions Code, relating to gifts, donations, bequests, and devises to the Department of Education and to schools, colleges, and other institutions under the jurisdiction of the Department of Education;

Senate Bill No. 1355—An act to add Article 6 to Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, relating to the sale of products of institutions under the jurisdiction of the Department of Education;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixth day of May, 1949, at 11 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 25—Relative to a highway between Altamont Pass and Grapevine;

Senate Concurrent Resolution No. 48—Relative to approving amendments to the charter of the City of Vallejo, a municipal corporation in the County of Solano, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the fifth day of April, 1949;

Senate Concurrent Resolution No. 49—Approving a certain amendment to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the nineteenth day of April, 1949;

Senate Concurrent Resolution No. 50—Relative to the death of Senator Michael J. Burns, Third Senatorial District;

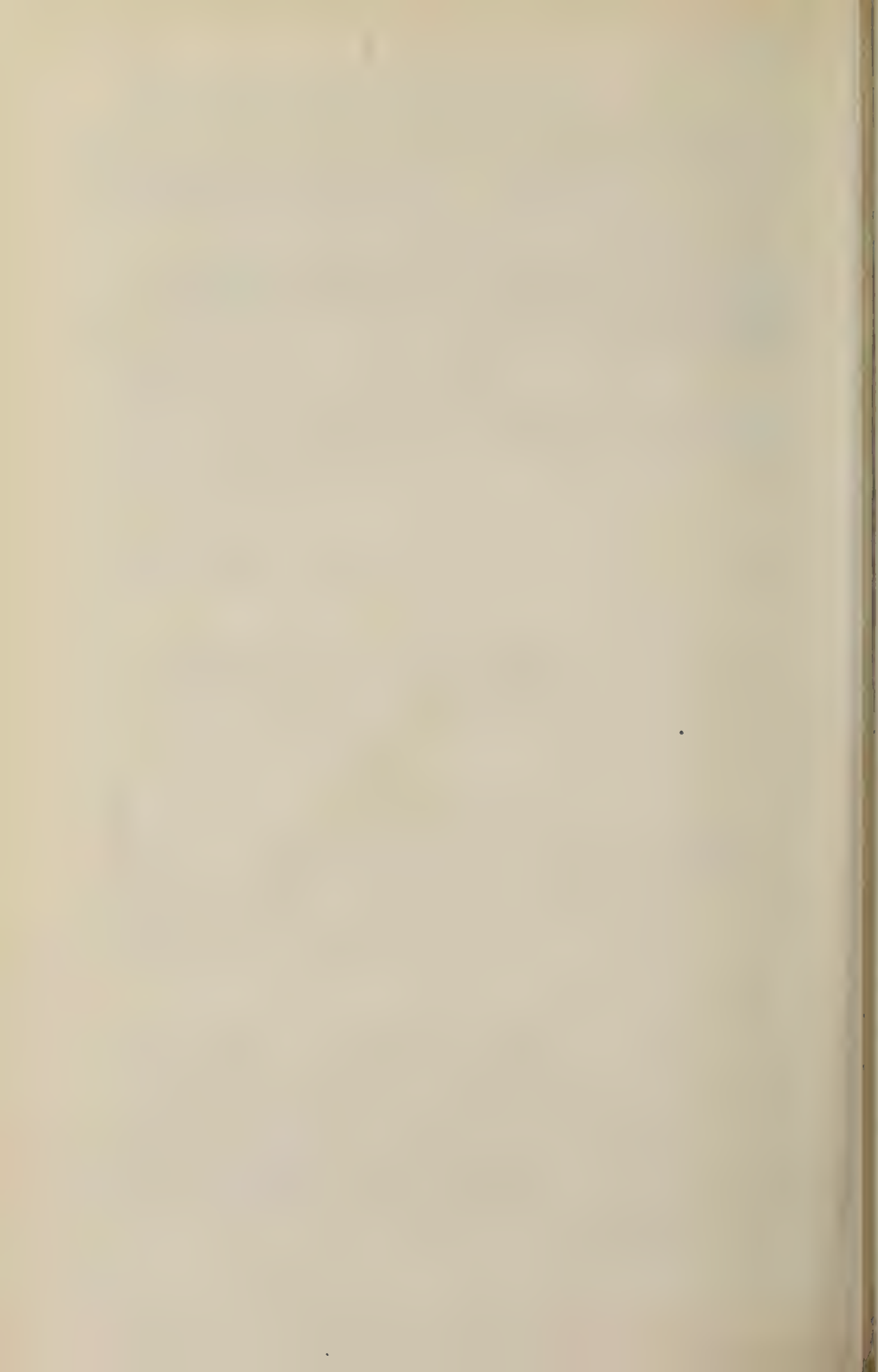
And reports that the same have been correctly enrolled, and presented to the Secretary of State on the sixth day of May, 1949, at 11 a.m.

POWERS, Chairman

ADJOURNMENT

At 11.37 a.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m. Monday, May 9, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTY-SEVENTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, May 9, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Johnson, on motion of Senator Powers, due to legislative business.

Senator Busch, on motion of Senator Powers, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clarence Olson, Instructor, and the following students of Stockton College: Eloise Wood, Frances Rooker, Josie Navarro, Tommy Kinard, LaVerda Calvert, Joyce Schamber, Lila Schulte, Frances Torlai, Howard Neal, Rose Marie Caudillo, Marilyn Clarke, Lola Huerta, Dolores Gracia, Dick Johnson, John Manes, Dolores Croston, Jeannine Minford, Adeline Cassidy, Sokichi Abe, Delvert Brungardt, Don Calceterra, Gene Cronk, Angelo Cuneo, Aaron Devencenzi, Mary Downey, Pascual Fidel, Leon Fish,

Jim Forbes, Edna Francois, Betty Fulton, Barbara Gale, LaVerne Guiliani, Philip Harvey, Joanne Harrison, Oren Haug, Irvin Hein, Carmen Hillberg, Jerry Hyske, Beverley Kidwell, Robert Ladd, Harold Lindquist, Rosemarie Lagrimas, Victor Leonardini, Ted Lusk, Charles Magnasco, Jacqueline Mason, Mike Mensinger, Gloria Moresco, John Nelson, Jimmy O'Connor, Bob Patterson, Robert Price, Nancy Rea, Russell Stewart, Nellie Surry, John Smith, John Tanaka, Mae Torigoye, Olivia Torres, Ann Uebele, John Wilcox, Koleta Graham, Flossie Jane West, John Tanaka, and Joyce Ingham.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. Malcolm Smith, instructor, and the following students of Stanford University: John Abbe, Katie Adams, Eugene Allen, Roy Anderes, Grace Ella Anderson, L. M. Auchampaugh, Morgan Baird, Carol Cobb, Jose Diaz, Priscilla Dunn, Rodger L. Earley, Carle A. Forslew, Pete Gavigan, Roy C. Gill, Dione Kallin, Cassius L. Kirk, Richard W. Konig, Ken LaCrosse, Thornton Lake, Victor Levit, Jeannine Maggiora, Allen McCombs, George Malloy, John A. Morrow, Hal Needham, Lois Olivera, Shirley Preston, Rowland Rebele, Shirley A. Remy, Vincent D. Schmieder, Julia Silverman, Miss Sobell, George Stewart, Robert Stivers, Edwin Subbot, Robert L. Swetzer, Dorothy A. Thomas, Jane Troxell, Joseph Wiesinger, Raymond Turner, Krume Atananosf, and Robert Williams.

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John J. Touhy of Altaville.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Esther Olin and George Kessler of Palo Alto.

On request of Senator Watson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Chapman of Fullerton.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter O. Manwaring of Santa Cruz.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Bristol and E. J. Seaman.

On request of Senators Judah and Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. A. Read and Mrs. Turman of Oakland.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Morris B. Peterson of Hemet.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 2651

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 200
Assembly Bill No. 916
Assembly Bill No. 997
Assembly Bill No. 1012

Assembly Bill No. 1197
Assembly Bill No. 2351
Assembly Bill No. 1662
Assembly Bill No. 642

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 352
Senate Bill No. 653
Senate Bill No. 674

Senate Bill No. 755
Senate Bill No. 1135
Senate Bill No. 1327

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 18
Senate Bill No. 19
Senate Bill No. 90
Senate Bill No. 135
Senate Bill No. 161
Senate Bill No. 215
Senate Bill No. 216
Senate Bill No. 435

Senate Bill No. 525
Senate Bill No. 527
Senate Bill No. 657
Senate Bill No. 659
Senate Bill No. 897
Senate Bill No. 1119
Senate Bill No. 1218
Senate Bill No. 1238

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 21
Assembly Bill No. 437

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 21—An act to amend Section 2 of, to add the heading to Part 1 thereof, and to add Part 2, comprising Sections 25 to 45, inclusive, to, the limited dividend Housing Corporation Act, relating to state assistance through the Department of Industrial Relations in financing of residential housing and other facilities incidental or appurtenant thereto.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 437—An act to amend Section 330a of the Penal Code, relating to slot and card machines and similar devices.

Referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day rescinded action and expunged the record of the passage of:

Senate Bill No. 1094

And at the request of the Senate, herewith returns the same to the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF SENATE BILL NO. 1094

Senate Bill No. 1094—An act to repeal Sections 31303 and 31304 of, and to add Section 31303 to, the Water Code, relating to county water districts.

Motion to Reconsider

Senator Dilworth moved that the Senate rescind its action whereby Senate Bill No. 1094 was passed on March 31, 1949, with 23 votes because Article XI, Section 16½ of the Constitution requires 27 votes for passage of a bill which authorizes the deposit of public money in private banks. Senate Bill No. 1094 authorizes state money to be deposited in private banks, therefore, requires 27 votes.

The roll was called, and motion carried by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Kraft, Mayo, Miller, Powers, Regan, Rich, Sutton, Swing, Watson, and Williams—24.

NOES—None.

Further Consideration of Senate Bill No. 1094

Senate Bill No. 1094—An act to repeal Sections 31303 and 31304 of, and to add Section 31303 to, the Water Code, relating to county water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Keating, Kraft, Mayo, Miller, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 516

Senate Constitutional Amendment No. 14

Senate Constitutional Amendment No. 32

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 9, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 159

Senate Bill No. 367

Senate Bill No. 351

Senate Bill No. 1038

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 152—An act to amend Section 1881.3 of the Civil Code, relating to the period during which the chapter of said code relating to private bulk storage of grain shall remain in effect;

Senate Bill No. 259—An act to amend Section 2010 of the Streets and Highways Code, relating to mileage allowances for supervisors' official road duties;

Senate Bill No. 1248—An act to amend Sections 11501 and 11519 of the Government Code, relating to administrative adjudication;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixth day of May, 1949, at 4 p.m.

POWERS, Chairman

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 4, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred: Senate Bill No. 1472

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

MOTION TO APPROVE THE JOURNALS

Senator Powers moved that the Journals for Monday, May 2, 1949; Tuesday, May 3, 1949; Wednesday, May 4, 1949; Thursday, May 5, 1949; and Friday, May 6, 1949, be approved as corrected by the Minute Clerk and the Journal Clerk.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1212

Senator Burns moved that Senate Bill No. 1212 be withdrawn from Committee on Labor for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1212—An act to add Chapter 9 to Part 3 of Division 2 of the Labor Code, defining and prescribing unfair labor practices, including discrimination against persons because of race, creed, color or national origin.

Bill read second time.

Motion to Amend

Senator Burns moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 7 to 9, inclusive, of the printed bill, strike out ", or membership or lack of membership in any organization, except a Communist or other subservice organization".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1005

Senator Kraft moved that Senate Bill No. 1005 be withdrawn from Committee on Public Health and Safety for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1005—An act to add Section 29020.1 to the Health and Safety Code, relating to dangerous drugs.

Bill read second time.

Motion to Amend

Senator Kraft moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 29020.1", and insert "amend Sections 29001, 29020, 29022, 29023, 29026, and 29031 of, and to add Sections 29012, 29013, and 29014".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 6, inclusive, and insert "SECTION 1. Section 29001 of the Business and Professions Code is amended to read:

"29001. "Dangerous drug" means any drug unsafe for self medication and includes the following:

(a) Any hypnotic drug. "Hypnotic drug" includes acetylurea derivatives, barbituric acid [or malonylurea] derivatives, chloral, paraldehyde, phenylhydantoin derivatives, sulfonmethane derivatives, or any compounds or mixtures or preparations [thereof] that [may be] *are* used for producing hypnotic effects.

The provisions of this section do not apply to combinations of hypnotic drugs with nonhypnotic drugs which combinations are not intended to produce hypnotic effects.

(b) Aminopyrine, or compounds or mixtures thereof.

(c) Amphetamine, desoxyephedrine, or compounds or mixtures thereof except preparations for use in the nose and unfit for internal use.

(d) Cinchophen, neocinchophen, or compounds or mixtures thereof.

(e) Diethyl-stilbestrol, or compounds or mixtures thereof.

(f) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof, and except preparations designed for the purpose of treating animals (other than man) or poultry and so labeled.

(g) Oils of croton, rue, savin or tansy or their contained or derived compounds or mixtures thereof.

(h) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five percent (5%) strength, and except preparations designed for the purpose of treating animals (other than man) or poultry and so labeled.

(i) Thyroid and its contained or derived active compounds or mixtures thereof.

SEC. 2. Section 29012 is added to said code, to read:

29012. Every person who furnishes any hypnotic drug to any other person shall first obtain from the board an hypnotic license for each separate office, shop,

store or other place of business, which license shall expire on the thirty-first day of October and shall be annually renewed.

Every person who obtains an hypnotic license shall, within fifteen days of its receipt, furnish the board with a dated inventory of all hypnotic drugs in his possession. A copy of such inventory shall be kept on file in the place of business of the licensee for a period of three years, subject to inspection by authorized officers of the law.

An hypnotic license is nontransferable. Any person who acquires a business wherein the former owner holds an hypnotic license and possesses any hypnotic drugs, shall file with the board at the time of his application for an hypnotic license an inventory of all hypnotic drugs which are to be acquired by such transfer of ownership.

SEC. 3. Section 29013 is added to said code, to read:

29013. The board shall supply a book of serially numbered triplicate hypnotic drugs purchase order forms to each person licensed under the provisions of Section 29012.

SEC. 4. Section 29014 is added to said code, to read:

29014. Licensees shall execute hypnotic drugs purchase order forms in triplicate, showing date, name of supplier, name and quantity of hypnotics ordered and signature, license number and address of licensee. The original order shall be forwarded to the supplier, the duplicate order mailed to the Board of Pharmacy on or before the fifteenth of the month following the date of the order, and the triplicate of the order kept on the file of the purchaser for at least three years.

SEC. 5. Section 29020 of said code is amended to read:

29020. No person shall furnish any dangerous drug, *other than any hypnotic drug*, except upon the prescription of a physician, dentist, chiropodist or veterinarian.

The provisions of this section do not apply to the [sale] *furnishing* of any dangerous drug, *other than any hypnotic drug*, by a manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, chiropodist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity.

No person shall furnish any hypnotic drug except upon the prescription of a physician, dentist, chiropodist or veterinarian, or upon the receipt of a properly executed official hypnotic drug purchase order form.

This chapter does not apply to or interfere with a physician, dentist, chiropodist or veterinarian who does not have a license to conduct a pharmacy, with supplying his own patients with such hypnotic drugs as are required in the practice of his own profession. Such hypnotic drugs shall be dispensed only by the physician, dentist, chiropodist or veterinarian.

A record of the hypnotic drug so dispensed shall be kept in a ruled record book in which is listed in chronological order the date, serial number corresponding to that placed upon the label of the container in which the drug is dispensed, name and address of the patient, name and amount of the drug dispensed. The label upon the container in which the drug is dispensed shall state the date dispensed, serial number, name and address of the furnisher, the name and address of the person for whom furnished and the directions for use.

SEC. 6. Section 29022 of said code is amended to read:

29022. No person shall refill any prescription for any hypnotic drug [, nor shall any] . No prescription for any dangerous drug *other than a hypnotic drug* may be refilled except upon authorization of the prescriber which may be given with the original prescription, except that a prescription for diphenylhydantoin, [aminopyrine,] thyroid or the contained or derived active compounds or mixtures thereof, may be refilled for the person for whom prescribed, but only in the amounts specified in the prescription.

SEC. 7. Section 29023 of said code is amended to read:

29023. No person shall have in possession any hypnotic drug or any preparation included in subdivision (c) of Sec. 29001 except that furnished to such person upon the prescription of a physician, dentist, chiropodist, or veterinarian. The provisions of this section do not apply to the possession of said drug by a manufacturer or wholesaler or a pharmacy or physician or chiropodist or dentist or veterinarian or laboratory when in stock in containers correctly labeled with the name and address of the supplier *or producer and which have been procured under the hypnotic license issued to them.*

SEC. 8. Section 29026 of said code is amended to read:

29026. Every person who violates any provision of this chapter, with respect to any hypnotic drug is guilty of a misdemeanor punishable by a fine of not less than [fifty dollars (\$50)] *one hundred dollars (\$100)* nor more than five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Upon a [third or subsequent] conviction involving a violation respecting hypnotics, the board which granted a professional license to any such defaulter [shall] *may*, institute and maintain proceedings for the forfeiture of such license.

SEC. 9. Section 29031 of said code is amended to read:

29031. [The] *A conviction of the violation of any of the provisions of this division shall constitute grounds for the suspension or revocation of any license issued to such person under any of the provisions of the Business and Professions Code of*

the State of California or under the provisions of this division of the Health and Safety Code. The proceedings for suspension or revocation shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

**CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS
REQUEST FOR UNANIMOUS CONSENT**

Senator Dillinger asked for, and was granted, unanimous consent to have Senate Bill No. 191 passed on file and retain its place on file until the next legislative day.

Senate Bill No. 833—An act to amend Section 252 of, and to add Section 400.1 to the Unemployment Insurance Act, relating to unemployment compensation disability benefits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Dillinger asked for, and was granted, unanimous consent to have Senate Bill No. 625 passed on file and retain its place on file until the next legislative day.

Senator Salsman Presiding

At 2.05 p.m., Senator Byrl R. Salsman of the Eighteenth District, presiding.

Senate Bill No. 165—An act to add Section 2.2 to the Orange County Flood Control Act, relating to the powers of the Orange County Flood Control District.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 9, 1949

*To the Honorable Members of the Senate
Sacramento, California*

GENTLEMEN: I have been advised by the Attorney General that there is to be reported to the Legislature under Section 16054 of the Government Code, judgment against the State of California on claims not arising under Section 400 of the Vehicle Code and not previously reported, in the case of James H. Belcher vs. State of California, in the sum of \$7,925, amended judgment filed in the records of the Superior Court in and for the City and County of San Francisco, on January 11, 1949.

I am also advised by the State Board of Control that there is to be reported under the same Section of the Government Code judgments in a series of cases entitled Hospital Service of California vs. State Board of Equalization, and Hospital Service of Southern California vs. State Board of Equalization. The consolidated judgment is as follows:

In Action Number 64860 -----	\$1,203.12
In Action Number 66194 -----	11,351.24
In Action Number 67672 -----	13,159.55
In Action Number 69942 -----	15,234.29
In Action Number 71879 -----	21,934.13
In Action Number 74666 -----	30,991.49
In Action Number 66410 -----	6,618.62
In Action Number 66160 -----	8,724.02
In Action Number 67500 -----	10,470.25
In Action Number 70038 -----	12,288.00
In Action Number 71491 -----	18,468.41
In Action Number 74844 -----	28,866.93

And in addition thereto, judgment for costs in favor of the Hospital Service of California, in the sum of \$77.88, and for the Hospital Service of Southern California in the sum of \$93.62.

These judgments have been reported to the State Board of Control for inclusion in Item 277 of the Budget Act of 1949.

I am informed that these judgments have been included in the budget now before the Legislature for consideration.

Sincerely,

EARL WARREN, Governor

Message read, and ordered printed in the Journal.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 509—An act to add Sections 1.1, 1.2, 1.3, 1.4, and 1.5 to, and to amend Sections 17 and 41 of the Orange County Water District Act, relating to the exclusion of certain areas from the district, and to empower said district to contract for the purchase of water from a metropolitan water district organized under the Metropolitan Water District Act and to amend certain limitations therein.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Collier, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—29.

NOES—None.

Motion to Amend Title

Senator Watson moved the adoption of the following amendment to the title:

Amendment No. 1

In line 9 of the title of the printed bill, as amended in Senate April 18, 1949, after "therein", insert ", declaring the urgency thereof, to take effect immediately".

Amendment read, and adopted.

Senate Bill No. 509 ordered printed and transmitted to the Assembly.

Senate Bill No. 1450—An act to amend Sections 28122 and 28135 of the Government Code, relating to compensation for public services in counties of the twenty-second and thirty-fifth classes.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

On page 2, lines 13 and 14, of the printed bill, as amended in Senate April 21, 1949, strike out "one thousand five hundred dollars (\$1,500)", and insert "two thousand one hundred dollars (\$2,100)".

Amendment No. 2

On page 2 of said bill, strike out lines 15 and 16, and in line 17 strike out "his duties as road commissioner", and insert "visor, member of the board of equalization, and road commissioner,".

Amendment No. 3

On page 2, lines 18 and 19, of said bill, strike out "in whatever capacity".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Chief Assistant Secretary Cleve V. Taylor at the Desk

President Pro Tempore of the Senate Presiding

At 2.45 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Senate Bill No. 1098—An act to add Section 768 of the Insurance Code, in relation to prohibiting the designation of particular insurance agents or brokers by persons, firms and corporations loaning money on the security of personal and real property.

Bill read third time.

Previous Question

Senator Collier moved the previous question.

Motion lost.

The question being on the final passage of Senate Bill No. 1098.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Burns, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Jespersen, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Sutton, and Williams—22.

NOES—Senators Abshire, Brown, Dorsey, Hatfield, Hulse, Mayo, Rich, Salsman, Swing, Tenney, and Watson—11.

Bill ordered transmitted to the Assembly.

Senate Bill No. 159—An act to add Section 387 to the Agricultural Code, relating to care of dairy cows offered for sale.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Swing, Tenney, Watson, and Williams—29.

NOES—Senator Sutton—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 367—An act to repeal Sections 89.5, 89.6, 89.7, 89.8, and 92.1 of the Agricultural Code, relating to county and district agricultural association fairs, thereby repealing certain obsolete provisions relating to the allocation of funds and the powers of district agricultural associations and counties in relation to property and funds for fair purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

President of the Senate Presiding

At 3.03 p.m., Hon. Goodwin J. Knight, President of the Senate, presiding.

Senate Bill No. 1038—An act to amend Section 4458 of the Labor Code, relating to workmen's compensation.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 516—An act to add Section 1018 to the Labor Code, relating to membership in labor organizations of persons advocating or having membership in organizations which advocate the overthrow of the government by unlawful means or pledged to support a foreign government against the United States in event of hostilities.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Judah, Kraft, Mayo, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article XX, relating to oaths of office.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 351—An act to amend Section 28108 of the Government Code, relating to compensation for public service in counties of the eighth class, including fees for phonographic reporters.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Ward, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered :

By Senators O'Gara, Breed, and Salsman :

Senate Resolution No. 92

Relating to a report upon the feasibility and practicability of the acquisition by the State or the California Toll Bridge Authority of the two toll bridges across the San Francisco Bay, known as the San Mateo-Hayward and the Dumbarton Bridges

WHEREAS, It is the policy of the State to acquire and own all toll bridges situated upon or along any part of the highways of the State with the end in view of ultimately eliminating all toll charges thereon ; and

WHEREAS, The privately owned toll bridges connecting the counties of Alameda and San Mateo and extending across San Francisco Bay known respectively as the San Mateo-Hayward and Dumbarton Bridges each constitutes an important connecting link between highways of the State ; and

WHEREAS, The present rates of tolls across each of the bridges are relatively higher than tolls on other toll bridges ; and

WHEREAS, The acquisition of said toll bridges by the State or the California Toll Bridge Authority at the earliest possible date is in conformity with said established policy ; now, therefore, be it

Resolved by the Senate of the State of California, That the California Toll Bridge Authority and the Department of Public Works are hereby authorized and directed to deliver to the Senate as promptly as possible but not later than the twenty-seventh of May, 1949, a report as to the feasibility and practicability of acquiring the bridges as of the first day of January, 1950, or the first day of July, 1950, or as soon, in any event, as such acquisition in each case may be in the public interest, such acquisition to be by purchase or condemnation by the State, or the California Toll Bridge Authority

and the Department of Public Works. The report shall include: An appraisal of the value of the structures, if acquired; the amount of compensation to the owner which, in the judgment of the authority and the department, should be paid on the basis of the value of the structures and the length of time which the franchises have yet to run; the feasibility of providing funds for such acquisition by issuing and selling revenue bonds; the rate of tolls estimated as necessary to collect, pending the retirement of such revenue bonds; and an estimate of the reduction, if any, in the rate of tolls which may be effected immediately upon acquisition of said toll bridges; and be it further

Resolved, That as a part of said report the authority and the department shall prepare and submit to the Senate:

(a) Annual amounts estimated as necessary to retire such revenue bonds over a 20-year period together with interest thereon computed at 3, and at 3½ percent.

(b) The annual traffic over each bridge for the years 1940 to 1948, inclusive, classified as to types of vehicles and the receipts from each type at existing toll rates together with an estimate of the amount of annual traffic over each bridge at the existing rate of tolls, from the first of January, 1949, to the expiration of the franchise on each bridge.

(c) Estimated annual cost of the operation and maintenance of each bridge and of collecting tolls thereon for a period of 20 years, together with a report upon the propriety and feasibility of paying such maintenance, operation and toll collection costs from the Highway Users Tax Fund.

(d) A report upon the effect the lowering of tolls upon each bridge may have with respect to the volume of traffic which may be expected to use the San Francisco-Oakland Bay Bridge.

(e) Itemized statement, showing annually, for the years 1940 to 1948, inclusive, the real and personal property taxes paid in respect of each bridge property and of all payments to each county pursuant to the franchises under which the bridges are operated together with a copy of each franchise and of all amendments thereto; and be it further

Resolved, That the authority and the department are authorized to make such survey and investigation as may be necessary to prepare said report; provided, however, that said report may be based upon such recent data as may be presently available to them; and be it further

Resolved, That the Secretary of the Senate is instructed to send copies of this resolution to the California Toll Bridge Authority and the Department of Public Works.

Resolution read, and on the motion of Senator Parkman, unanimously adopted.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 53: By Senator Hatfield—Approving the charter of the City of Merced, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twelfth day of April, 1949.

Resolution ordered printed and placed on third reading file.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 99—An act to add Article 5 to Chapter 2, Title 1, Part 3 of Division 1 of the Civil Code, relating to the recognition of a divorce obtained in another jurisdiction.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, and Watson—29.

NOES—Senators Tenney, Ward, and Williams—3.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1098—An act to amend Section 689c of the Code of Civil Procedure, relating to application of proceeds of sale under process.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Judah, Keating, Kraft, Regan, Rich, Salsman, Tenney, Ward, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1101—An act to amend Sections 690 and 690.26 of the Code of Civil Procedure, relating to exemptions from executions.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Powers, Regan, Rich, Salsman, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1102—An act to amend Section 542 of the Code of Civil Procedure, relating to the manner in which property is attached.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Coombs, Cunningham, Dilworth, Donnelly, Dorsey, Gibson, Hulse, Judah, Keating, Kraft, Mayo, O'Gara, Powers, Regan, Rich, Salsman, Tenney, Ward, Watson, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1103—An act to amend Section 683 of the Code of Civil Procedure, relating to the return of execution.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Tenney, Ward, and Watson—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1104—An act to amend Section 1166a of the Code of Civil Procedure, relating to unlawful detainer.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Tenney, Ward, and Watson—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1111—An act to amend Section 689b of the Code of Civil Procedure, relating to executions.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Tenney, Ward, and Watson—27.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Coombs:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 9, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 1408 to the Elections Code, relating to initiative constitutional amendments.

Respectfully submitted,

SENATOR COOMBS

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 9, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to Committee on Elections.

POWERS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Tenney, Ward, Watson, and Williams—30.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Dorsey:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 9, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 1624 and 1631 of, and to add Section 1633.5 to the Labor Code, relating to collection agencies.

Respectfully submitted,

SENATOR DORSEY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 9, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested, and that the bill be referred to the Committee on Labor.

POWERS, Chairman

The roll was called, and permission granted by the following vote :

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Tenney, Ward, Watson, and Williams—29.
NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time :

Senate Bill No. 1630: By Senator Dorsey—An act to amend Sections 1624 and 1631 of, and to add Section 1633.5 to the Labor Code, relating to collection agencies.

Referred to Committee on Labor.

Senate Bill No. 1631: By Senator Coombs—An act to add Section 1408 to the Elections Code, relating to initiative constitutional amendments.

Referred to Committee on Elections.

MOTION TO PRINT REPORT IN JOURNAL

Senator Dorsey moved that the following preliminary report of the Senate Standing Committee on Institutions be printed in the Journal in 10-point type, and that 250 additional copies be printed in pamphlet form for distribution.

Motion carried.

*Hon. Goodwin J. Knight, President of the Senate
and Members of the State Senate*

California Legislature, Sacramento, California

MR. PRESIDENT AND GENTLEMEN OF THE SENATE:

Your Committee on Institutions acting as a special committee pursuant to Rule 12.5 and Senate Resolutions No. 24 and No. 55 of the 1949 Session, to investigate the advisability of repealing Chapter 1051, Statutes of 1947, which chapter authorized the removal of the California Institution for Women at Tehachapi to some other location, appropriating money for the purchase of a site therefor, and authorizing the disposal of the properties at the present location and Senate Concurrent Resolution No. 32 relative to the cessation of expenditures under said Chapter 1051 of the Statutes of 1947, until ninety (90) days after the final adjournment of the present session of the California Legislature, herewith submits its preliminary report and recommendations as a result of the special investigation and study for which said special committee was created.

The special committee, composed of members of the Senate Standing Committee on Institutions, personally visited the California Institution for Women at Tehachapi, had the opportunity to observe, first hand, the conditions and other phases of operation thereof, has taken the testimony on hearings at Tehachapi and Sacramento of approximately twenty witnesses and as a result thereof presents its preliminary report containing recommendations as to need for legislative action and suggestions to the Department of Corrections and the department having to do

with the personnel of said institution and the business management of the said California Institution for Women.

The California Institution for Women at Tehachapi is situate in beautiful Cummings Valley in the Tehachapi Mountains 11 miles from the thriving City of Tehachapi, 40 miles from Bakersfield and 118 miles from Los Angeles. A well-maintained state highway extends from Tehachapi to the institution. The institution buildings are well constructed, have an appearance unlike a prison—more like a large mountain resort—surrounded by 1,720 acres of grazing and agricultural land with an abundance of water supply for domestic use and irrigation.

In this preliminary report, attention is particularly called to the following findings and recommendations which have been unanimously approved by the committee. As a result of the investigation authorized by this Senate and the study made by this committee and because of the desire of the committee that information be given the Senate as to such observations, investigations and study, pending the filing of a detailed report, the committee recommends:

(1) That the California Institution for Women at Tehachapi be not removed from its present location and the properties at Tehachapi be not disposed of as provided in the above mentioned 1947 statute. No sufficient reason for its removal has been found by this committee, particularly in view of the enormous cost for the construction of the buildings at a new site and the loss to the State in the disposition of the present buildings. This committee finds that the reasons given by the proponents for the removal of the institution in 1947 and which were apparently acted upon by the Legislature are not substantiated by the actual facts. The principal reasons given were isolation of institution, by reason thereof difficulty to retain staff, inability to obtain professional staff, insufficiency of water supply and lack of transportation facilities to and from the institution. The committee finds that many of these reasons are now given by those desiring the removal but they are not sustained by the evidence submitted to this committee at the hearings. The final report of this committee to be filed later will cover these findings in detail.

The main buildings at the Institution at Tehachapi were built during the depression years and represent the lowest cost of building construction. The cost to duplicate these buildings alone is estimated in excess of twice the original cost. The estimated cost of the new institution buildings and facilities will be \$4,380,000. The cost of the present buildings, capital outlay to date, is \$706,319.77. Two hundred thousand dollars has been appropriated for the purchase of a new site. One hundred eighty thousand dollars has been allocated for architectural fees, costs and expenses. To these sums must be added furnishing facilities which will bring the total cost to the State of some \$6,000,000, less an estimated salvage in the sale of the present buildings at \$100,000. The sum of \$1,500,000 has already been allocated to the Department of Corrections for the new institution. In other words, to proceed under the act of 1947, it will cost the State in excess of \$6,000,000 for a new institution at a new site when we now have a going concern and institution which has the reputation, at its present location, of being the finest institution of its kind in this Country. This reputation was gained by the efficiency of the institution at its present location at Tehachapi.

(2) A further study should be made as to the disposition of the excess acreage comprising the institution property and considered unused and unnecessary. That a thorough study be made of the agricultural possibilities at the Tehachapi site, that would aid in obtaining the best results in development of a program that is suitable at that location from the standpoint of aid to that institution and other state institutions as well as provide an activity that would aid also the program of rehabilitation of the inmates. This is in accordance with the information obtained at the meetings of this committee and contained in final report to be filed.

(3) That notwithstanding, the present building program to improve the housing facilities for the personnel as well as increasing dormitory space for inmates, the contract which was recently let will represent an anticipated investment of approximately \$110,000, further steps should be taken to increase the housing facilities for members of the staff at the present location, both inside and outside of the gate.

(4) That all moneys now appropriated to be used during the coming year and in the near future for temporary buildings be used for buildings of the permanent type and that in addition to the sum now available, additional sums be appropriated for construction of what permanent buildings are required for housing of staff and adequate housing for inmates. That all other buildings, such as recreational hall and for use of education and vocational training and other work projects, be constructed for permanency.

(5) That a study of personnel and business procedure be made.

That a proper classification with title and duties to correspond with what is now termed as correctional officer (male) as are now employed at the California Institution for Women be established. Those whose present duties are guards and general utility men should be given the title corresponding to their duties that they would require examination for such new classification only. This examination should pertain strictly to the specified duty. The term "correctional officer" should not be used except for those employees whose principal duties are in connection with the direct supervision and contact with inmates and carry out the program of aid and rehabilitation of the inmates.

(6) That the Department of Corrections, Superintendent of California Institution for Women, Department of Finance and Personnel Board, work out a solution for the program of technical and professional staff, study the cause and correct the situation, whether it be salary scale or proper and adequate housing facilities for said technical and professional staff, or the proper classification of employees according to duties.

(7) This committee was impressed with the successful results of the effort of the superintendent of the institution in the rehabilitation of the inmates at its present location and believes that with the additional facilities for the staff and inmates, as hereinbefore recommended, the superintendent will maintain the institution with the highest standard of efficiency of any institution of its kind anywhere.

(8) Approve and recommend for passage at this session of the Legislature, Senate Bill No. 740, relating to institutions and providing for the repeal of an act entitled "An act relating to institutions under

the jurisdiction of the Department of Corrections, making an appropriation to be expended pursuant to the Property Acquisition Act for the acquisition of a new site for the California Institution for Women, authorizing the Director of Corrections to transfer the California Institution for Women from its present location near Tehachapi to the new site, and authorizing the disposition of the Tehachapi property," approved July 2, 1947, being Chapter 1051, Statutes of 1947.

And further, approval is expressed of the provision in the said Senate Bill No. 740 that the unexpended balance of the money appropriated by the act so sought to be repealed be returned to the State General Fund.

The foregoing recommendations adopted unanimously by the committee. Senate Concurrent Resolution No. 32 has been adopted by the Senate.

Respectfully submitted,

F. PRESLEY ABSHIRE

NATHAN F. COOMBS

BRADFORD S. CRITTENDEN

HARRY E. DROBISH

HAROLD T. JOHNSON

CLYDE A. WATSON

J. HOWARD WILLIAMS

JESS R. DORSEY, Chairman

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 857

Senator Collier moved that Senate Bill No. 857 be withdrawn from Committee on Finance for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 857—An act making an appropriation to the emergency fund specified in Item 278 of the Budget Act of 1949, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor.

Bill read second time.

Motion to Amend

Senator Collier moved the adoption of the following amendments:

Amendment No. 1

In line 5 of the title of the printed bill as amended in Senate March 23, 1949, after "therefor", insert ", and declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 2 of said bill, after line 37, insert

"SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and therefore shall go into immediate effect. The following is a statement of the facts constituting such necessity.

As roads were damaged by recent storms and floods and are in need of immediate repair and in order to keep these roads open it is necessary to repair them without delay, and as funds appropriated by this act will make such repair possible it is necessary that this act take effect immediately."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 323

Senator Dillinger moved that Assembly Bill No. 323 be withdrawn from Committee on Social Welfare for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 323—An act to amend Section 41.5 of the California Unemployment Insurance Act, relating to transfer of employers' reserve accounts.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendment:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Senate May 6, 1949, strike out "California".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 910

Senator Kraft moved that Senate Bill No. 910 be withdrawn from Committee on Social Welfare for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 910—An act to amend Sections 41, 52, 52.5, and 53 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Motion to Amend

Senator Kraft moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and 53", and insert "53, 54, 55, 57, 57.5, 57.7, 58, 67, and 68".

Amendment No. 2

On page 2, line 36, of said bill, strike out "dollars", and insert "dollar".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 2 of said bill, after line 37, insert

"SEC. 5. Section 54 of said act is amended to read:

Sec. 54. [An individuals "weekly benefit amount" shall be the amount appearing in Column B in the table set forth in this section on the line of which in Column A of such table there appears the wage bracket containing the amount of wages paid to

such individual for employment by employers during the quarter of his base period in which such wages were the highest.

A Amount of wages in highest quarter	B Weekly benefit amount
\$75.00-\$199.99	\$10
200.00- 219.99	11
220.00- 239.99	12
240.00- 259.99	13
260.00- 279.99	14
280.00- 299.99	15
300.00- 319.99	16
320.00- 339.99	17
340.00- 359.99	18
360.00- 379.99	19
380.00- 419.99	20
420.00- 459.99	21
460.00- 499.50	22
500.00- 539.99	23
540.00- 579.99	24
580.00- and over	25]

An individual's "fortnightly benefit amount" shall be the amount appearing in Column B in the table set forth in this section on the line of which in Column A of such table there appears the wage bracket containing the amount of wages paid to such individual for employment by employers during the quarter of his base period in which such wages were the highest.

A Amount of wages in highest quarter	B Fortnightly benefit amount
\$75.00-\$199.99	\$20
200.00- 219.99	22
220.00- 239.99	24
240.00- 259.99	26
260.00- 279.99	28
280.00- 299.99	30
300.00- 319.99	32
320.00- 339.99	34
340.00- 359.99	36
360.00- 379.99	38
380.00- 419.99	40
420.00- 459.99	42
460.00- 499.99	44
500.00- 539.99	46
540.00- 579.99	48
580.00- and over	50

SEC. 6. Section 55 of said act is amended to read:

Sec. 55. Each eligible individual who is unemployed in any [week] *fortnight* shall be paid with respect to such [week] *fortnight*, provided he is otherwise entitled thereto under this act, a benefit in an amount equal to his [weekly] *fortnightly* benefit amount less the amount of wages, if any, in excess of [three] six dollars ([§3] \$6) payable to him for services rendered during such [week] *fortnight*. Such benefit if not a multiple of one dollar (\$1) shall be computed to the next higher multiple of one dollar (\$1). For the purposes of this section only, "wages" shall be deemed to include any and all amounts payable as compensation for personal services, regardless of whether such personal services are or are not rendered in employment otherwise subject to this act.

SEC. 7. Section 57 of said act is amended to read:

Sec. 57. An unemployed individual shall be eligible to receive benefits with respect to any [week] *fortnight* only if the [commission] department finds that:

(a) A claim for benefits with respect to such [week] *fortnight* has been made in accordance with such regulations as the [commission] department may prescribe.

(b) He has registered for work, and thereafter continued to report, at a public employment office or such other place as the [commission] department may approve, except that either or both of the requirements of this subdivision may be waived or altered by authorized regulation as to partially employed individuals attached to regular jobs.

(c) He was able to work and available for work for such [week] *fortnight*.

(d) [He has been unemployed for a waiting period of one week.] No [week] *fortnight* shall be counted as a [week] *fortnight* of unemployment for the purposes of this subsection:

(1) Unless it occurs within [the] a benefit year which includes the [week] *fortnight* with respect to which he claims payment of benefits [.]; [provided that this

requirement shall not interrupt the payment of benefits for consecutive weeks of employment, and provided further that the week immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year shall be deemed (for the purposes of this subsection only) to be within such benefit year as well as within the preceding benefit year.]

(2) If benefits have been paid with respect thereto[.];

(3) Unless the individual was eligible for benefits with respect thereto in all respects, except for the requirements of this subsection (d) and Section 53[.];

(e) He has during his base year been paid wages for employment by employers of not less than three hundred dollars (\$300) provided, however, that if more than 75 percent of his base-period wages were paid during a single calendar quarter, he shall not be eligible for benefits unless his total wages, during the base period are not less than [30] fifteen times his [weekly] fortnightly benefit amount.

(f) He has made such effort to seek work on his own behalf as may be required in accordance with such regulations as the [commission] department shall prescribe.

SEC. 8. Section 57.5 of said act is amended to read:

Sec. 57.5. An individual shall not be eligible for benefits on account of unemployment for any [week] fortnight with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to unemployment benefits, the provisions of this section shall not apply.

SEC. 9. Section 57.7 of said act is amended to read:

Sec. 57.7. Notwithstanding any inconsistent provisions of this act the benefit rights of trainees shall be determined in accordance with the following provisions of this section for the periods and with respect to the matters specified herein. Except as herein otherwise provided, all other provisions of this act shall continue to be applicable in connection with such benefits.

(1) The term "military service" as used in this section means active service in the land, [or] naval or air forces of the United States, but the service of an individual in any reserve component of the land, [or] naval or air forces of the United States who is ordered to active duty in any such force for a period of thirty days or less shall not be deemed to be active service in such force during such period.

(2) The term "trainee" as used in this section means an individual who entered military service after April 1, 1940, and who continued such service for not less than ninety consecutive days and whose military service was terminated on or before October 1, 1947.

(3) (a) With respect to any trainee who has an unexpired benefit year at the time of induction into the armed forces, the unexpended balance of benefits remaining to his account shall be reestablished beginning with the first day of the first week succeeding the date of his termination of service. Whenever this balance is exhausted the trainee may file a claim and his base period shall be determined in accordance with the provisions of subsection (4) hereof, except that all reestablished balances shall lapse 65 weeks after termination of such military service.

(b) The benefit year of all other trainees shall be 52 weeks from the first day of the first week following the date of termination of military service.

(4) With respect to the determination of the benefit rights of any trainee, the base period shall consist of the first four out of the last five completed calendar quarters, excluding those quarters during which the trainee was in military service sixty days or more. For all quarters so excluded there shall be substituted an equal number of quarters immediately preceding his entry into military service, except that the quarter of entry into military service shall be counted as a completed quarter if the commission finds that the inclusion thereof would be more equitable to the trainee.

(5) No disqualification shall be applied to any trainee after the termination of his military service, by reason of any act or course of action on his part prior to the date of his entry into such service.

(6) If, under an act of Congress, payments with respect to the unemployment of individuals who have completed a period of military service are payable by the United States, a trainee shall be disqualified for unemployment compensation benefits with respect to any [week] fortnight for which he receives such benefits and no unemployment compensation benefits shall be paid under this section until he has exhausted all his rights to such payments from the United States.

SEC. 10. Section 58 of said act is amended to read:

Sec. 58. (a) An individual shall be disqualified for benefits if:

(1) He has left his most recent work voluntarily without good cause, if so found by the commission;

(2) He has been discharged for misconduct connected with his most recent work, if so found by the commission; provided that, an individual shall be presumed to have been discharged for reasons other than misconduct in connection with his work and not to have voluntarily left his work without good cause unless his employer shall have given notice to the contrary to the commission in writing within five days after the termination of service, setting forth such facts as are necessary to establish a prima facie case in support thereof. If the employer files such notice, the question shall immediately be determined in the same manner as benefits claims;

(3) He has wilfully made a false statement or representation or wilfully failed to report a material fact to obtain any benefits under the provisions of this act;

(4) He, without good cause, has refused to accept suitable employment when offered to him, or failed to apply for suitable employment when notified by a public employment office.

(b) If an individual is disqualified under the provisions of subsection (a) of this section, under a determination transmitted to him by the department he shall be ineligible to receive benefits for the [week] *fortnight* subsequent to the occurrence of the cause of his disqualification in which he first registers for work and for not more than four weeks which immediately follows such [week] *fortnight*. An individual so disqualified shall be required to report at a public employment office as provided in Section 57 (b) and an additional [week] *fortnight* of disqualification shall be imposed for each [week] *fortnight* during which he does not so report unless good cause for such failure is shown.

(c) In cases of the successive disqualifications under the provisions of subsection (a) of this section, the commission may in its discretion extend the period of ineligibility provided for in subsection (b) of this section for an additional period not to exceed eight additional weeks.

Sec. 11. Section 67 of said act is amended to read:

Sec. 67. (a) Claims for benefits shall be made in accordance with authorized regulations. Except as hereinafter otherwise provided, benefits shall be promptly paid if the claimant is found eligible or promptly denied if the claimant is found ineligible.

(b) A notice of the filing of a new or additional claim shall be given to the employing unit by which the claimant was last employed immediately preceding the filing of such claim.

(c) Upon receipt of notice of the filing of a new or additional claim the employing unit so notified shall submit any facts then known which may affect the eligibility of the claimant for benefits.

(d) The facts submitted by an employer pursuant to subsection (c) shall be considered and a determination made as to the eligibility of the claimant for benefits. The claimant and any employer who prior to the determination has submitted any facts or given any notice relating to such claim required under this act or authorized regulations shall be promptly notified of the determination and the reasons therefor and may appeal therefrom to a referee within seven days from mailing or personal service of notice of the determination, whichever is the later, provided that said seven days may be extended for good cause.

(e) Upon the filing of a new claim for benefits, a computation on the claim shall promptly be made, which shall set forth the maximum amount of benefits potentially payable during the benefit year and the [weekly] *fortnightly* benefit amount. The claimant and each of the claimant's base period employers shall be promptly notified of the computation.

(f) Upon the receipt of notice of the computation, the claimant and any base period employer so notified may protest the accuracy of the computation. Any such protest shall be considered and a determination as to the accuracy of the computation made thereon. The claimant and the base period employer submitting the protest shall be promptly notified of the determination and may appeal therefrom in the manner prescribed in subsection (d) hereof.

(g) Upon the receipt of notice of the computation, any base period employer so notified shall submit any facts then known which he was not previously required to submit under subsection (c) which may affect the eligibility of the claimant for benefits. A determination shall be made thereon and the claimant and the base period employer submitting the facts shall be promptly notified of the determination and the reasons therefor. An appeal therefrom may be taken in the manner prescribed in subsection (d) hereof.

(h) Any computation or determination provided for in this section may for good cause be reconsidered by the department prior to the filing of an appeal therefrom. Notification of any reconsidered determination shall be given promptly to the claimant and any employer or employing unit which received notification, under subsections (b) and (e) of this section, of the claim, the determination on which is being reconsidered, and the claimant or employer may appeal therefrom in the manner provided herein for appeals from other determinations.

(i) Notices, protests, and information required under this section shall be submitted in accordance with authorized regulations.

Sec. 12. Section 68 of said act is amended to read:

Sec. 68. (a) A referee after affording a reasonable opportunity for fair hearing, shall, unless such appeal is withdrawn, affirm, reverse, or modify any determination which is appealed under Section 67. The claimant and any employer becoming a party to the appeal by submitting a protest or information pursuant to Section 67 shall be promptly notified in writing of the referee's decision, together with his reasons therefor, which decision shall be deemed to be final, unless within ten days after mailing of such decision, further appeal is initiated to the Appeals Board pursuant to Section 72 of this act; provided, that said 10-day limitation may be extended for good cause.

(b) If an appeal is duly filed, benefits with respect to the period prior to the final decision on the appeal shall be paid only after such decision, except that (1) if

benefits for any [week] *fortnight* are payable in accordance with a determination by the department irrespective of any decision on the issue set forth in the appeal, such benefits shall be promptly paid regardless of such appeal, or (2) if a referee affirms a determination allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, and regardless of any action taken under Section 72 of this act or otherwise by the [commission] *department*, appeals board, or other administrative body or by any court, but if such determination is finally reversed, no employer's account shall be charged with benefits so paid as to each determination so reversed."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 915

Senator Kraft moved that Senate Bill No. 915 be withdrawn from Committee on Social Welfare for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 915—An act to amend Sections 45 and 57 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Motion to Amend

Senator Kraft moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "45" and "57", and insert "6, 41, 45, and 57 and to repeal Section 39.1".

PRINTER'S NOTE—There being no 7-point strikcut type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 6 of the Unemployment Insurance Act is amended to read:

Sec. 6. (a) "Commission" means the California Employment Stabilization Commission.

(b) "Public employment office" means a free public employment office or branch thereof operated by this State or maintained as a part of a state controlled system of public employment offices.

(c) "State" includes Alaska, Hawaii, and the District of Columbia, as well as each of the States of the United States.

(d) "Calendar-quarter" means the period of three consecutive calendar months ending on March 31st, June 30th, September 30th, or December 31st, or the equivalent thereof as may be prescribed by authorized regulations.

(e) "Contributions" means the money payments to the Unemployment Fund required by this act.

(f) "Unemployment Fund" means the Unemployment Fund established by this act.

(g) "Unemployment Administration Fund" means the Unemployment Administration Fund established by this act.

(h) "Benefit account" means the benefit account established by this act.

(i) "Clearing account" means the clearing account established by this act.

(j) "Unemployment Trust Fund account" means the Unemployment Trust Fund account established by this act.

(k) "Social Security Board" means the Social Security Board established by the Social Security Act.

(l) "Department" means the Department of Employment established by this act.

(m) "Unemployment Trust Fund" means the Unemployment Trust Fund established and maintained pursuant to Section 904 of the Federal Social Security Act as amended.

(n) "Appeals Board" means the California Unemployment Insurance Appeals Board established by this act.

(o) "Federal Unemployment Tax Act" means Subsection C of Chapter 9 of the Federal Internal Revenue Code, or the corresponding provisions of any other federal act into which the provisions of said sections hereafter may be incorporated.

(p) "Authorized regulations" means regulations promulgated pursuant to the provisions of this act.

(q) "Benefit year," with respect to any individual, means the one year period beginning with the first day of the week with respect to which the individual first files a valid claim for benefits and thereafter the one year period beginning with the day on which such individual again files a valid claim after the termination of his last preceding benefit year. Any claim for benefits made in accordance with the provisions of this act and rules and regulations adopted thereunder shall be deemed a "valid claim" for purposes of this section if the individual is unemployed and has been paid wages in employment for employers necessary to qualify for benefits under Section 53 of this act.

(r) "Base period" means the first four out of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year; provided, however, that with respect to benefit years beginning on and after October 1, 1947, the base period for benefit years beginning in November, December, or January shall be the four calendar quarters ended in the next preceding month of June; the base period for benefit years beginning in February, March, or April shall be the four calendar quarters ended in the next preceding month of September; the base period for benefit years beginning in May, June, or July shall be the four calendar quarters ended in the next preceding month of December; the base period for benefit years beginning in August, September, or October shall be the four calendar quarters ended with the next preceding month of March [...]; and provided further that, with respect to new claims filed on and after October 1, 1949, or such earlier date as the director may prescribe, "base period" means the fifty-two consecutive weeks immediately preceding the first week of an individual's benefit year. Wages used in the determination of benefits payable to an individual during any benefit year shall not be used in determining such individual's benefits in any subsequent benefit year.

SEC. 2. Section 41 of said act is amended to read:

Sec. 41. [The commission shall maintain a separate account for each employer, and shall credit his account with all the contributions paid on his own behalf. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund whether on his own behalf or on behalf of such individuals. Benefits paid to an unemployed individual during any benefit year shall be charged against the account of his employer during his base period; provided, that if such individual performed services in employment for more than one employer during his base period, benefits paid to such individual shall be charged against the respective accounts of such employers in the proportion that the total wages paid to such individual in employment for each such employer bears to the total wages paid to such individual in employment for all such employers during the base period. The maximum amount of benefits chargeable against employers' accounts by reason of benefits paid to any one individual for any one benefit year shall not be in excess of 18 times the weekly benefit amount of such individual for such benefit year.]

(a) Except as otherwise provided in subsections (c) and (d) of this section, the term "maximum charge-back liability," as used herein with respect to charges against employers' reserve accounts for unemployment insurance benefits paid to their former employees, means the maximum amount of such benefits payable to one unemployed individual in any one benefit year, as provided in Section 53, which is not more than eighteen times his weekly benefit amount.

(b) If an unemployed individual had only one employer in his base period, unemployment insurance benefits of not more than the maximum charge-back liability therefor which are properly paid him shall be charged against the reserve account of such employer. If such individual performed services in employment for more than one employer during his base period, the maximum charge-back liability during his benefit year shall be shared among his base period employers, the share of each such employer being in the same proportion to the maximum charge-back liability as the amount of taxable wages he paid such individual for employment within such base period bears to the total taxable wages paid such individual for employment within such base period, and thereafter, unemployment insurance benefits of not more than the maximum charge-back liability therefor which are properly paid to such unemployed individual shall be charged in inverse chronological order against the respective reserve accounts of such employers in such manner that the reserve account of an employer who was not the most recent employer in the base period shall not be charged any amount until the reserve account of each one or more employers who were more recent employers shall have been charged their respective shares of such maximum charge-back liability in full; provided, however, that, if one employer has employed such individual for more than one period of continuous employment within that individual's base period, such employer shall have a separate share of the maximum charge-back liability for each such employment period, and each such period and its respective share shall be treated

in charging employers' reserve accounts as if such employer had been a different employer for each such period.

(c) Any employer who has employed an unemployed individual in employment at any time since the beginning of his base period may protest the eligibility or qualification of such individual for unemployment insurance benefits at any time in his related benefit year, and any benefits paid to an unemployed individual for the period following his disqualification for having voluntarily left, or having been discharged for misconduct from, employment which was his most recent subject employment, as elsewhere defined and provided for in this act, and before the end of the continuous period of unemployment which began with such disqualification, shall not be charged to any employer's reserve account; provided, however, that, if notice of such protest is not given to the department within the time prescribed elsewhere in this act, the period of any such disqualification may be fixed by the department as beginning as of the second business day after the business day on which the department receives such notice, in which case any benefit payments made otherwise properly before the beginning of such disqualification period shall not be considered as overpayments to the unemployed individual and shall be charged to one or more employers' reserve accounts, as provided in subsection (b) of this section, as if such disqualification had not occurred.

(d) If an unemployed individual has voluntarily left, or been discharged for misconduct from, both as elsewhere defined in this act, employment by an employer during his base period who was not his most recent subject employer, such employer may give the department a notice of protest of any charges for unemployment benefits paid to such individual during his related benefit year, and thereafter such employer's reserve account shall not be charged for any such benefit payments, the amount of what would otherwise have been such employer's share of the maximum charge-back liability for such payments shall not be charged to the reserve account of any employer, the amount of such maximum charge-back liability shall be reduced by the amount which would otherwise have been such employer's share, and the reserve accounts of one or more other employers in such base period shall be charged as if such employer were not a base period employer; provided, that, if such employer has employed such unemployed individual for more than one period of continuous employment within such individual's base period, his reserve account shall be charged for his share with respect to each such employment period which was not ended by such individual's having voluntarily left, or having been discharged for misconduct from, employment by such employer; and provided, further that, if such employer shall not mail notice of protest of such charges to the department within five days after the department has mailed him notice of his potential liability for such charges to his reserve account, any such charges made prior to the second business day after the business day on which the department receives such notice shall stand as made, and the maximum charge-back liability shall be reduced by the amount of such employer's share less such prior charges.

SEC. 3. Section 45 of said act is amended to read: "

Amendment No. 3

On page 1, line 14, of said bill, strike out "sworn statement", and insert "statement, signed by any authorized officer or agent,".

Amendment No. 4

On page 1, line 15, of said bill, after "week", insert ", or other pay roll period,".

Amendment No. 5

On page 1, line 20, of said bill, strike out "sworn statement", and insert "statement, signed by any authorized officer or agent,".

Amendment No. 6

On page 2, line 33, of said bill, strike out "SEC. 2.", and insert "SEC. 4."

Amendment No. 7

On page 3, line 12, of said bill, strike out "sworn".

Amendment No. 8

On page 3, line 13, of said bill, after the comma, insert "signed".

Amendment No. 9

On page 3, line 14, of said bill, after the comma, insert "or their duly authorized officers or agents,".

Amendment No. 10

On page 3, line 15, of said bill, after "week", insert ", or other pay roll period,".

Amendment No. 11

On page 3, line 18, of said bill, strike out "six hundred dollars (\$600)", and insert "three hundred dollars (\$300)".

Amendment No. 12

On page 3 of said bill, strike out lines 20 to 22, inclusive, and insert "more than 75 percent of his base-period wages were paid during any thirteen consecu-".

Amendment No. 13

On page 3, line 25, of said bill, strike out "forty", and insert "thirty".

Amendment No. 14

On page 3, line 27, of said bill, strike out "sworn".

Amendment No. 15

On page 3 of said bill, after line 33, insert
"(g) He has not earned, by personal effort or services of any kind, within the period of the week with respect to which he claims benefits and any number of consecutive weeks, up to an additional twenty five weeks, immediately preceding, an average of more than four times his weekly benefit amount.

Sec. 5. Section 39.1 of said act is repealed."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 916

Senator Kraft moved that Senate Bill No. 916 be withdrawn from Committee on Social Welfare for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 916—An act to amend Section 45 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Motion to Amend

Senator Kraft moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 45", and insert "Sections 6, 41, 45, and 57 and to repeal Section 39.1".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 6 of the Unemployment Insurance Act is amended to read:
Sec. 6. (a) "Commission" means the California Employment Stabilization Commission.

(b) "Public employment office" means a free public employment office or branch thereof operated by this State or maintained as a part of a state controlled system of public employment offices.

(c) "State" includes Alaska, Hawaii, and the District of Columbia, as well as each of the states of the United States.

(d) "Calendar-quarter" means the period of three consecutive calendar months ending on March 31st, June 30th, September 30th, or December 31st, or the equivalent thereof as may be prescribed by authorized regulations.

(e) "Contributions" means the money payments to the Unemployment Fund required by this act.

(f) "Unemployment Fund" means the Unemployment Fund established by this act.

(g) "Unemployment Administration Fund" means the Unemployment Administration Fund established by this act.

(h) "Benefit account" means the benefit account established by this act.

(i) "Clearing account" means the clearing account established by this act.
 (j) "Unemployment Trust Fund account" means the Unemployment Trust Fund account established by this act.

(k) "Social Security Board" means the Social Security Board established by the Social Security Act.

(l) "Department" means the Department of Employment established by this act.

(m) "Unemployment Trust Fund" means the Unemployment Trust Fund established and maintained pursuant to Section 904 of the Federal Social Security Act as amended.

(n) "Appeals Board" means the California Unemployment Insurance Appeals Board established by this act.

(o) "Federal Unemployment Tax Act" means Subsection C of Chapter 9 of the Federal Internal Revenue Code, or the corresponding provisions of any other Federal act into which the provisions of said sections hereafter may be incorporated.

(p) "Authorized regulations" means regulations promulgated pursuant to the provisions of this act.

(q) "Benefit year," with respect to any individual, means the one year period beginning with the first day of the week with respect to which the individual first files a valid claim for benefits and thereafter the one year period beginning with the day on which such individual again files a valid claim after the termination of his last preceding benefit year. Any claim for benefits made in accordance with the provisions of this act and rules and regulations adopted thereunder shall be deemed a "valid claim" for purposes of this section if the individual is unemployed and has been paid wages in employment for employers necessary to qualify for benefits under Section 53 of this act.

(r) "Base period" means the first four out of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year; provided, however, that with respect to benefit years beginning on and after October 1, 1947, the base period for benefit years beginning in November, December, or January shall be the four calendar quarters ended in the next preceding month of June; the base period for benefit years beginning in February, March, or April shall be the four calendar quarters ended in the next preceding month of September; the base period for benefit years beginning in May, June, or July shall be the four calendar quarters ended in the next preceding month of December; the base period for benefit years beginning in August, September, or October shall be the four calendar quarters ended with the next preceding month of March [.] ; and provided further that, with respect to new claims filed on and after October 1, 1949, or such earlier date as the director may prescribe, "base period" means the fifty-two consecutive weeks immediately preceding the first week of an individual's benefit year. Wages used in the determination of benefits payable to an individual during any benefit year shall not be used in determining such individual's benefits in any subsequent benefit year.

Sec. 2. Section 41 of said act is amended to read:

Sec. 41. [The commission shall maintain a separate account for each employer, and shall credit his account with all the contributions paid on his own behalf. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund whether on his own behalf or on behalf of such individuals. Benefits paid to an unemployed individual during any benefit year shall be charged against the account of his employer during his base period; provided, that if such individual performed services in employment for more than one employer during his base period, benefits paid to such individual shall be charged against the respective accounts of such employers in the proportion that the total wages paid to such individual in employment for each such employer bears to the total wages paid to such individual in employment for all such employers during the base period. The maximum amount of benefits chargeable against employers' accounts by reason of benefits paid to any one individual for any one benefit year shall not be in excess of 18 times the weekly benefit amount of such individual for such benefit year.]

(a) Except as otherwise provided in subsections (c) and (d) of this section, the term "maximum charge-back liability," as used herein with respect to charges against employers' reserve accounts for unemployment insurance benefits paid to their former employees, means the maximum amount of such benefits payable to one unemployed individual in any one benefit year, as provided in Section 53, which is not more than eighteen times his weekly benefit amount.

(b) If an unemployed individual had only one employer in his base period, unemployment insurance benefits of not more than the maximum charge-back liability therefor which are properly paid him shall be charged against the reserve account of such employer. If such individual performed services in employment for more than one employer during his base period, the maximum charge-back liability during his benefit year shall be shared among his base period employers, the share of each such employer being in the same proportion to the maximum charge-back liability as the amount of taxable wages he paid such individual for employment within such base period bears to the total taxable wages paid such individual for employment within such base period, and thereafter, unemployment insurance benefits of not more than

the maximum charge-back liability therefor which are properly paid to such unemployed individual shall be charged in inverse chronological order against the respective reserve accounts of such employers in such manner that the reserve account of an employer who was not the most recent employer in the base period shall not be charged any amount until the reserve account of each one or more employers who were more recent employers shall have been charged their respective shares of such maximum charge-back liability in full; provided, however, that, if one employer has employed such individual for more than one period of continuous employment within that individual's base period, such employer shall have a separate share of the maximum charge-back liability for each such employment period, and each such period and its respective share shall be treated in charging employers' reserve accounts as if such employer had been a different employer for each such period.

(c) Any employer who has employed an unemployed individual in employment at any time since the beginning of his base period may protest the eligibility or qualification of such individual for unemployment insurance benefits at any time in his related benefit year, and any benefits paid to an unemployed individual for the period following his disqualification for having voluntarily left, or having been discharged for misconduct from, employment which was his most recent subject employment, as elsewhere defined and provided for in this act, and before the end of the continuous period of unemployment which began with such disqualification, shall not be charged to any employer's reserve account; provided, however, that, if notice of such protest is not given to the department within the time prescribed elsewhere in this act, the period of any such disqualification may be fixed by the department as beginning as of the second business day after the business day on which the department receives such notice, in which case any benefit payments made otherwise properly before the beginning of such disqualification period shall not be considered as overpayments to the unemployed individual and shall be charged to one or more employers' reserve accounts, as provided in subsection (b) of this section, as if such disqualification had not occurred.

(d) If an unemployed individual has voluntarily left, or been discharged for misconduct from, both as elsewhere defined in this act, employment by an employer during his base period who was not his most recent subject employer, such employer may give the department a notice of protest of any charges for unemployment benefits paid to such individual during his related benefit year, and thereafter such employer's reserve account shall not be charged for any such benefit payments, the amount of what would otherwise have been such employer's share of the maximum charge-back liability for such payments shall not be charged to the reserve account of any employer, the amount of such maximum charge-back liability shall be reduced by the amount which would otherwise have been such employer's share, and the reserve accounts of one or more other employers in such base period shall be charged as if such employer were not a base period employer; provided, that, if such employer has employed such unemployed individual for more than one period of continuous employment within such individual's base period, his reserve account shall be charged for his share with respect to each such employment period which was not ended by such individual's having voluntarily left, or having been discharged for misconduct from, employment by such employer; and provided, further that, if such employer shall not mail notice of protest of such charges to the department within five days after the department has mailed him notice of his potential liability for such charges to his reserve account, any such charges made prior to the second business day after the business day on which the department receives such notice shall stand as made, and the maximum charge-back liability shall be reduced by the amount of such employer's share less such prior charges.

SEC. 3. Section 45 of said act is amended to read:"

Amendment No. 3

On page 1, line 12, of said bill, strike out "sworn statement", and insert "statement, signed by any authorized officer or agent,".

Amendment No. 4

On page 1, line 13, of said bill, after "week", insert ", or other pay roll period,".

Amendment No. 5

On page 1, line 16, of said bill, strike out "sworn statement", and insert "statement, signed by any authorized officer or agent,".

Amendment No. 6

On page 2 of said bill, following line 30, insert -

SEC. 4. Section 57 of said act is amended to read:

SEC. 57. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that:

(a) A claim for benefits to such week has been made in accordance with such regulations as the commission may prescribe.

(b) He has registered for work, and thereafter continued to report, at a public employment office or such other place as the commission may approve, except that

either or both of the requirements of this subdivision may be waived or altered by authorized regulation as to partially employed individuals attached to regular jobs.

(c) He was able to work and available for work for such week.

(d) He has been unemployed for a waiting period of one week. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits, provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment, and provided further that the week immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year shall be deemed (for the purposes of this subsection only) to be within such benefit year as well as within the preceding benefit year.

(2) If benefits have been paid with respect thereto.

(3) Unless the individual was eligible for benefits with respect thereto in all respects, except for the requirements of this subsection (d) and Section 53.

(e) He has during his base year been paid wages for employment by employers of not less than three hundred dollars (\$300) provided, however, that if more than 75 percent of his base-period wages were paid during a single calendar quarter, he shall not be eligible for benefits unless his total wages, during the base period are not less than 30 times his weekly benefit amount.

(f) He has made such effort to seek work on his own behalf as may be required in accordance with such regulations as the commission shall prescribe.

(g) *He has not earned, by personal effort or services of any kind, within the period of the week with respect to which he claims benefits and any number of consecutive weeks, up to an additional twenty-five weeks, immediately preceding, an average of more than four times his weekly benefit amount.*

SEC. 5. Section 39.1 of said act is repealed."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 967—An act to amend Section 18711 of, and to add Section 18753 to, the Business and Professions Code, relating to boxing and wrestling.

Bill read third time.

Motion to Amend

Senator Kraft moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 13, of the printed bill as amended in the Senate May 5, 1949, strike out "a copy of the con-", and strike out all of lines 14 through 19, inclusive, and insert ": (a) a copy of the contract granting the right to televise or telecast such event is first filed with the State Athletic Commission, containing a statement of the amount to be paid therefor, and (b) arrangements satisfactory to the State Athletic Commission are made to assure the payment of any license fee due under the contract or from such match, contest or exhibit.

The State Athletic Commission, upon the request of any participant in any such contest or upon the request of his manager, may apprise them of the amount provided for in the contract granting the right to televise or telecast such event."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 18—An act to amend Sections 985, 986.3, 986.5, 986.6, and 986.9 and to repeal Section 986.4 of the Military and Veterans Code, relating to farm and home purchases for veterans.

Bill read third time.

Motion to Amend

Senator Kraft moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 39, of the printed bill, as amended in Assembly April 13, 1949, strike out the comma,

Amendment No. 2

On page 2, line 42, of said bill, after "bond", insert "executed by the contractor"

Amendments read, and adopted.

Bill ordered printed, and to third reading.

SECOND READING OF SENATE BILLS

Senate Bill No. 477—An act to add Article 4 to Chapter 7 of Division 5 of the Agricultural Code, relating to hazardous materials for use in agricultural operations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended, after "investigation", insert "and hearing".

Amendment No. 2

On page 1 of said bill, as amended, between lines 10 and 11, insert

"Such rules and regulations shall prescribe the time when and the conditions under which such materials may be used in different areas of the State. Hearings prior to the adoption of rules and regulations under this section shall be held in Sacramento and Los Angeles."

Amendment No. 3

On page 1 of said bill, as amended, after line 21, insert

"Notwithstanding anything in this section or article contained, the provisions thereof shall not apply to agencies of the United States or of the State of California, or to the officers, agents or employees of either acting within the scope of their authority, while engaged in or conducting or supervising research on any such materials."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 485—An act to add Chapter 1a to Division 2 to, and to repeal Section 150 of, the Agricultural Code, relating to agricultural pest control operators.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 6 to 12, inclusive, and insert "in the application for the calendar year for which the license is issued, unless the license is sooner revoked or suspended. Such license may be renewed annually upon application to the director, accompanied by the proper fee, on or before the last day of January of the calendar year for which the license is issued. To any fee not paid when due, there shall accrue and be added a penalty of five dollars (\$5)."

Amendment No. 2

On page 3, line 38, of said bill, as amended, after "review", insert "and approval".

Amendment No. 3

On page 4, line 25, of said bill, as amended, strike out "tion 160.2 of this chapter", and insert "tions 160.2 and 160.6".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1317—An act to amend Section 341 of the Code of Civil Procedure, relating to limitation of actions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "341", and insert "340".

Amendment No. 2

On page 1, line 1, of said bill, strike out "341", and insert "340".

Amendment No. 3

On page 1 of said bill, strike out lines 3 to 23, inclusive, and insert "340. Within one year:

1. An action upon a statute for a penalty or forfeiture, when the action is given to an individual, or to an individual and the State, except when the statute imposing it prescribes a different limitation;

2. An action upon a statute, or upon an undertaking in a criminal action, for a forfeiture or penalty to the people of this State;

3. An action for libel, slander, assault, battery, false imprisonment, seduction of a person below the age of legal consent, or for injury to or for the death of one caused by the wrongful act or neglect of another, or by a depositor against a bank for the payment of a forged or raised check, or a check that bears a forged or unauthorized endorsement;

4. An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process;

5. An action against a municipal corporation for damages or injuries to property caused by a mob or riot;

6. *An action against an officer to recover damages for the seizure of any property for a statutory forfeiture to the State, or for the detention of, or injury to property so seized, or for damages done to any person in making any such seizure.*

SEC. 2. This amendment shall not be applicable to or anywise prejudice or affect any action heretofore commenced or now pending in any of the courts of this State."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 306—An act to amend Section 1461 of the Probate Code, relating to the appointment of guardians for insane or incompetent persons.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 11, of the printed bill, between "citation" and "directed", insert "and a copy of the petition".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1049—An act to amend Section 1143 of the Probate Code, relating to summary sale of decedent's effects to defray burial expense.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1051—An act to add Section 1148.5 to the Probate Code, relating to estates of two hundred dollars (\$200) or less.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 304—An act to amend Section 1382 of the Penal Code, relating to the dismissal of criminal actions for delay in bringing a case to trial.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 429—An act to add Section 5060 to the Penal Code, relating to the powers of the Director of Corrections, providing for a scientific study and research of the problems of abnormal sexual and psychopathic criminals, and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In lines 3 and 4 of the title of the printed bill, strike out "abnormal sexual and psychopathic criminals," and insert "sex offenders,".

Amendment No. 2

On page 1, line 5, of said bill, strike out "abnormal sexual and psychopathic crim-"; and strike out lines 6 to 16, inclusive, and insert "sex offenders, the study and research to include the field of adequate treatment, detention, and rehabilitation of such persons as well as the prevention of sex offenses."

Amendment No. 3

On page 1, line 18, of said bill, strike out "and offenses committed by persons who are", and insert a period.

Amendment No. 4

On page 1 of said bill, strike out lines 19 to 22, inclusive.

Amendment No. 5

On page 2 of said bill, strike out lines 1 to 7, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 421—An act to amend Sections 5091 and 5093 of the Penal Code, relating to the production of goods by institutions subject to the jurisdiction of the Correctional Industries Commission.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Commission on Judiciary:

Amendment No. 1

On page 1, line 15, of the printed bill, strike out "three hundred fifty", and insert "two hundred twenty-five".

Amendment No. 2

On page 1, line 16, of said bill, strike out "(\$350,000)", and insert "(\$225,000)".

Amendment No. 3

On page 1, line 17, of said bill, after "action" insert "The Correctional Industries Commission shall determine the gross annual production, within the limit set above, of each new enterprise at the time of its establishment. The annual production so set shall not be increased until a public hearing concerning the proposed increase has been held before the Correctional Industries Commission."

Amendment No. 4

On page 1, line 28, of said bill, strike out "three hundred fifty" and insert "two hundred twenty-five".

Amendment No. 5

On page 1, line 29, of said bill, strike out "\$350,000)", and insert "\$225,000)".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 318—An act to amend Sections 9802, 9807, and 12143.5 of the Education Code to add Sections 9802.1, 9807.2, and 9807.3 to said code, all relating to the education of mentally retarded minors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1 of the printed bill, strike out lines 4 to 11, inclusive, and insert "or unified school district which has an average daily attendance of nine hundred or more shall provide for the education of mentally retarded minors residing therein and who are not in attendance upon special training schools or classes maintained by a high school district, either in special training schools or classes maintained by such district or, as provided in this chapter, in special training schools or classes maintained by another such district or by a county superintendent of schools."

Amendment No. 2

On page 1, line 14, of said bill, after "special", insert "training".

Amendment No. 3

On page 1 of said bill, beginning in line 14, strike out ", to be called special training schools or special training classes,".

Amendment No. 4

On page 1, line 21, of said bill, after "special", insert "training".

Amendment No. 5

On page 1 of said bill, strike out line 23, and insert "have an average daily attendance of less than nine hundred."

Amendment No. 6

On page 2, line 6, of said bill, after "special", insert "training".

Amendment No. 7

On page 2, line 9, of said bill, after "special", insert "training".

Amendment No. 8

On page 2, line 15, of said bill, after "special", insert "training".

Amendment No. 9

On page 2, line 18, of said bill, after "special", insert "training".

Amendment No. 10

On page 2, line 25, of said bill, after "special", insert "training".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 404—An act to add Section 20344.2 to the Education Code, relating to the education in state colleges of persons in the service of the Federal Government.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1713—An act to add Section 55.65 to and to amend Sections 40 and 55.6 of the Alcoholic Beverage Control Act, relating to the sale of wine, requiring the posting of prices and the making and filing of fair trade contracts in relation thereto, and governing the giving of discounts in connection with the sale of wine.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, line 2, of the printed bill as amended in the Senate April 27, 1949, strike out "stop", and insert "stock".

Amendment No. 2

On page 2, line 4, of said bill, before "or", insert "as such,".

Amendment No. 3

On page 2, line 7, of said bill, after "wine", strike out the period and insert "except as provided in the following exemption."

6. Sales by a wine grower, wine rectifier or rectifier to another licensee acting as a bona fide primary distributing agent in California; provided, however, that in such case the primary distributing agent shall post a schedule of selling prices to wholesalers."

Amendment No. 4

On page 2, line 30, of said bill, after "brand", insert "or for which he is the bona fide primary distributing agent in California for a wine grower, wine rectifier or rectifier".

Amendment No. 5

On page 3, line 37, of said bill, after "assessment", insert "or assessments".

Amendment No. 6

On page 4 of said bill, strike out line 23, and insert "100 or more cases but less than 200 cases—6½% discount".

Amendment No. 7

On page 4 of said bill, between lines 23 and 24, insert "200 or more cases—10% discount".

Amendment No. 8

On page 6, line 33, of said bill, strike out "holding", and insert "which on January 1, 1949, held".

Amendment No. 9

On page 6, line 34, of said bill, strike out "wholesaler's".

Amendment No. 10

On page 6, line 34, of said bill, strike out "on October 1, 1949," and insert "or was licensed by the board,".

Amendment No. 11

On page 6, line 36, of said bill, strike out "based" and the remainder of line 36, and all of lines 37 to 39, inclusive, and insert "from the general fund of such cooperative buying group."

Amendment No. 12

On page 8 of said bill, between lines 3 and 4, insert

"13. "Bona fide primary distributing agent" means a licensee engaged in the business of acting as agent under contract for a wine grower, wine rectifier or

rectifier in the sale of an item or items of wine exclusively or primarily to wholesalers within a specified territory in California."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 2057—An act to amend Section 19251 of the Government Code, relating to incompatible employment of state employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 409—An act to add Section 1028 to the Government Code, relating to disqualification from office or employment as peace officers for persons convicted of felonies and prescribing fingerprint records to be made of peace officers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 679—An act to add Sections 21253.2 and 21253.3 to the Government Code, relating to crediting "prior service," under certain conditions, to persons who were absent from state service on military service prior to January 1, 1932, and revising the benefits payable with respect to certain classes of members, including those who have retired prior to the effective date hereof, in connection with the State Employees' Retirement System.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1836—An act to amend Section 107 of the Welfare and Institutions Code, and to add Sections 18598, 18599, and 31700.5 to the Government Code, relating to employees of the Department of Social Welfare, and retirement rights in county retirement systems of former county employees performing functions assumed by the State, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2038—An act to amend Sections 18935, 18936, and 18937 of, and to add Section 18939 to, the Government Code, relating to state civil service examinations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2040—An act to amend Sections 18802 and 18804 of the Government Code, relating to the reclassification of state employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2045—An act to amend Sections 19170, 19173, and 19175 of the Government Code, and to add Section 19175.5, relating to the probationary period of state employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2047—An act to amend Section 19140 of the Government Code, relating to reinstatement of state employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2058—An act to amend Section 19368 of the Government Code, relating to rights of state employees, replaced by machinery.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2062—An act to add Section 18002.5 to the Government Code, relating to wage deduction statements.

Bill read second time, and ordered to third reading.

Assembly Bill No. 3112—An act to establish the line of ordinary high tide in Avalon Bay, in Los Angeles County, California, in conformity with a certain decree of the Superior Court of the State of California, in and for the County of Los Angeles, establishing said line of ordinary high tide.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1900—An act to amend Sections 20025, 21250, and 21251 of, and to add Sections 20024.1 and 20685 to, the Government Code, relating to the State Employees' Retirement System, the contributions required thereunder, and the benefits payable therefrom, and providing for the refund or other disposition of certain optional contributions by state members of said system.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 3, line 47, of the printed bill, as amended in the Assembly on April 18, 1949, strike out "Section 1", and insert "Section 6".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Assembly Bill No. 958—An act to add Section 14438 to the Business and Professions Code, relating to containers and container brands.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, strike out lines 9 to 12, inclusive, and insert "ney's fee. No action shall be brought under this section against a person who obtained possession of the containers, equipment or supplies pursuant to a contract with the registrant for the delivery of agricultural commodities, unless such person has failed to return to the registrants such containers, equipment and supplies within ten days after receipt of a demand for such return sent by registered mail to such person by the registrant."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 449—An act to amend Sections 117 and 117r of the Code of Civil Procedure, relating to small claims actions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 6, of the printed bill, strike out "therein", and insert "wherein".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 715—An act to amend Sections 413, 1011, and 1013 of the Code of Civil Procedure and to amend Section 328 of the Probate Code, relating to service of process.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1194—An act to amend Section 1170 of the Probate Code, relating to real property affected by the death of any person, providing for filing of a petition with respect thereto.

Bill read second time, and ordered to third reading.

Assembly Bill No. 695—An act to amend Section 1126 of the Probate Code, relating to testamentary trusts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 467—An act to amend Section 3045 of the Penal Code, relating to paroles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2496—An act to amend Section 630 of the Probate Code, relating to summary probate proceedings.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1353—An act to add Section 308a to the Penal Code, authorizing the Director of Corrections and the Youth Authority to provide tobacco and tobacco products to persons confined in institutions under their respective jurisdictions, and to permit the use thereof by such persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 471—An act to amend Section 6029 of the Penal Code, relating to the Board of Corrections.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly April 7, 1949, after "Code", insert "and to repeal an act entitled "An act to provide for the approval of plans for the construction or alteration of county jails by the immigration and housing commission," approved April 16, 1925".

Amendment No. 2

In the title of said bill, between lines 1 and 2 thereof, insert "plans and specifications for jails, prisons, and other detention facilities, and to the powers and duties of".

Amendment No. 3

In line 2 of the title of said bill, strike out the period, and insert "and other state agencies in respect thereto."

Amendment No. 4

On page 1, line 16, of said bill, after the period, insert "No state department or agency other than the board shall have authority to approve, disapprove, or make recommendations in respect to plans and specifications for the construction of county jails or other county detention facilities or for alterations thereto, except such recommendations as the board may request from any such state department or agency."

SEC. 2. An act entitled "An act to provide for the approval of plans for the construction or alteration of county jails by the immigration and housing commission," approved April 16, 1925, is repealed."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Assembly Bill No. 697—An act to amend Section 645 of the Probate Code, relating to the setting aside of estates without administration.

Bill ordered printed, and to third reading.

Assembly Bill No. 703—An act to amend Section 1080 of the Probate Code, relating to distribution of estates.

Bill ordered printed, and to third reading.

Assembly Bill No. 1099—An act to amend Section 581a of the Code of Civil Procedure, relating to dismissal on lack of prosecution.

Bill ordered printed, and to third reading.

Assembly Bill No. 1541—An act to amend Section 259a of the Code of Civil Procedure, relating to duties of court commissioners, declaring the urgency thereof, to take effect immediately.

Bill ordered printed, and to third reading.

Assembly Bill No. 2177—An act to amend Section 1184e of the Code of Civil Procedure, relating to claims of laborers or materialmen on public contracts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 15, of the printed bill, as amended in Assembly April 7, 1949, after "by", insert "this section or by".

Amendment No. 2

On page 2, line 19, of said bill, strike out the period, and insert ", and as to such contracts verified statements of claims may be filed within thirty days after the filing for record of such notice, or if such notice is not so filed, within ninety days after the acceptance of the project."

Amendment No. 3

On page 2, line 2, of said bill, after "Division 3", insert ", Title 2".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 209—An act to amend Sections 70 and 73 of the Civil Code, relating to solemnizing marriage.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 11, of the printed bill, as amended in Assembly March 30, 1949, strike out "certificate", and insert "statement, in the form prescribed by the State Department of Public Health,".

Amendment No. 2

On page 1 of said bill, after line 19, insert
"The marriage license, thus endorsed, shall be returned to the county recorder of the county in which the license was issued within thirty days after the ceremony."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1379—An act to amend Sections 317 and 319 of the Education Code, relating to the compensation of members of county boards of education.

Bill read second time, and ordered to third reading.

Assembly Bill No. 556—An act adding Sections 32039, 32040, 32339, and 32340 to the Government Code, relating to retirement systems for peace officers, foresters, firewardens, and county fire protection district firemen.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1203—An act to amend Section 163, 164, 167, 168, 175, 180, 187, 223, 224, 252, and 253 of, and to add Section 212 to, the Military and Veterans Code, relating to the military forces of the State.

Bill read second time, and ordered to third reading.

**MOTION TO RE-REFER SENATE BILL NO. 485, AND
ASSEMBLY BILLS NOS. 679 AND 409**

Senator Rich moved that Senate Bill No. 485, and Assembly Bills Nos. 679 and 409 be re-referred to the Committee on Finance.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Dilworth moved that Senate Bill No. 12 be taken from the inactive file and re-referred to Committee on Education.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Water Resources**

SENATE CHAMBER, SACRAMENTO, May 9, 1949

MR. PRESIDENT: The Committee on Water Resources, to which were referred:

Senate Bill No. 693

Assembly Bill No. 894

Senate Bill No. 1092

Assembly Bill No. 1873

Assembly Bill No. 422

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

DONNELLY, Chairman

Above reported bills ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 3035

Assembly Bill No. 1723

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

PARKMAN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 2849

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

PARKMAN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 1023

Assembly Bill No. 1024

Assembly Bill No. 1031

Assembly Bill No. 1032

Assembly Bill No. 1033

Assembly Bill No. 1042

Assembly Bill No. 1043

Assembly Bill No. 1044

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

PARKMAN, Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Senators Dilworth, Burns, Kraft, Tenney, Sutton, and Watson:

Senate Resolution No. 93

Relative to the defense of pending civil actions brought against the Senate Fact-Finding Committee on Un-American Activities, and its members

WHEREAS, There are now pending in the Federal District Court certain actions against the Senate Fact-Finding Committee on Un-American Activities and the members thereof; and

WHEREAS, It is sought through such actions to impede, impair, and, if possible, prevent the committee (created by Senate Resolution 75 of the 1947 General Session) from continuing with its work as authorized and directed by resolution of this Senate; and

WHEREAS, The issues and principles involved in said actions challenge the right of the Legislature, as a necessary incident to the exercise of the law-making power, to appoint committees for the purpose of ascertaining facts and reporting back to the Legislature in order that the Legislature may act advisedly in the exercise of its power to legislate; and

WHEREAS, Such issues and principles involve the power of the Legislature to properly organize for the orderly conduct of its business and to exercise such auxiliary powers as are necessary adjuncts to the exercise of the power to legislate, all of which are fundamental to the very existence of the Legislature; and

WHEREAS, If plaintiff prevails in any of such actions, it may seriously impede and impair the power of the Legislature to conduct its lawful functions through committees; and

WHEREAS, All of such issues and principles are of vital interest to the Senate, to the Legislature, and to the State as a sovereign state in its relations with the Government of the United States; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate Fact-Finding Committee on Un-American Activities is directed to defend said actions, and the Rules Committee of the Senate is hereby directed to employ legal counsel to represent said Committee on Un-American Activities and its members in the maintenance of such defense and to spend such amounts of money as the Senate Committee on Rules finds are necessary therefor, which shall be payable out of moneys heretofore allocated by the Senate for the expenses of said Committee on Un-American Activities or from such other moneys as may now or hereafter be made available by the Senate to either said Committee on Un-American Activities or to said Senate Committee on Rules.

Resolution read, and referred to Committee on Rules.

ADJOURNMENT

At 4.14 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Tuesday, May 10, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTY-EIGHTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, May 10, 1949

The Senate met at 1.30 p.m.

Hon. Byrl R. Salsman, Vice Chairman, Committee on Rules of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Whitson, Mrs. Orumet, teachers, and the following students of Burbank School of San Jose: Maud Crain, Betty Smurr, June Hill, Marie Lopez, Joan Carter, Chloe Santos, Helen Fierro, Irene Caballero, Naomi Reinert, Carol Farlou, Shirley Quimby, Barbara Thome, Bonnie Smith, Barbara Potter, Marilyn Hall, Ventura Garcia, Dolores Kalep, Barbara Clark, Gerald Rudy, Bob Johnson, Richard Amato, Edwin Johnson, Alton Clewett, Bill Hulen, Ronald Moesle, Jess Lopes, Jim Peterson, Eual Pinnington, Richard Caldwell, Austin Rodriguez, John Buhrmaster, Fred Davilla, John Malvini, Vernon Gard, Raymond Fitzgerald, Paul King, Jack McManamy, Max King, Jim Lazetera, and Richard Davilla.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. L. Sheaff, district

superintendent, W. Medlen, teacher, and the following students of Orinda Union School of Orinda: Phyllis Arlene Arnold, Marilyn Jean Atkinson, Carolyn Chumette Baker, Stephen Otis Barden, Theodore Temple Beckett, Diane Karlette Biederman, Allen Frederick Bottomley, Elizabeth Jane Buckle, Diana Mae Bumgarner, Robert Burton Crall, David Baily Cranston, Joseph Frederic Conley, Iris Alberta Dempster, Edward Webster Druhe, Jr., Ann Ford, Daisy Gwen Foster, William Joseph Foster, Charles Bates Gompertz, Judith Gilmore Hall, Robert Darlington Harrison, Jr., June Howells Haviland, Lesley Lathrop Heche, Thomas Waterman Higgins, James David Hupp, Clyde Andrew Jackson, Jr., Judith Gay Johnson, Kendric Arthur Johnson, Mary Ann Lucas, Catharine Lowell Monroe, Carl Andrew Monsen, Thomas McNaughton Morrish, George Henry Mulligan, Jr., Betty Ruth Ommundson, Stanley Pedder, Naomi Keene Pettengill, Joan Prifold, Benjamin Burliegh Randall, Jr., Carol Ann Rechtiene, Elenor Lynn Sellman, Peter Joseph Sheaff, James Clifton Small, Barbara Ann Smith, Marianne Somers, Linda Dulin St. Hill, George Ferral Tittsworth, Richard Edwin Twomey, Ann Louise Ward, George Barry Wacker, John Andre Kim Wilkin, and Christine Brewster Winters.

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Zaida Hertzig, teacher; Mrs. Givenola Beebee, Mrs. Tonie Borchin, Mrs. Vivian Malaspino, Mrs. Effie Aderhold, Mrs. Goldie Nolta, Mrs. Flossie Sabatini, and the following students of Mokelumne Hill Elementary School of Calaveras County: Eighth Grade—Janet Ronchetto, Lowell Winkler, Geneva Anderson, Sydney Eddy; Seventh Grade—John Cuneo; Sixth Grade—Cecil Laidet, Betty Hughes, Charles Malaspino, Roberta Wudel, Harry Aderhold; Fifth Grade—Sharon Beebe, Kathleen Fischer, Mary Halloway, Linda Sabatini, Darrell Perkins, Billy Fontana; Fourth Grade—Angelina Garbarini, Rita Fischer, Pearl Cuneo, Nadine Aderhold, Jerry Borchin, Freddie Wudel; Second Grade—Nancy Sabitini, Vernon Perkins; First Grade—Jimmie Beebee, Jackie Nolta; Pre-School children—Pamela Zumalt, Tommy Perkins, Jo Anne Nolta, Fritz Perkins.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. John Angus of Los Angeles.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Marilyn Corliss Locke of Beverly Hills.

On request of Senator Dorsey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge W. L. Woods and J. A. Browning of Tehachapi.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. William Miles Day of Auburn.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elsa Noel Weber and George H. Allen of San Francisco.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Talbot of Atascadero.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack Adams of Palomar.

On request of Senator Regan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mary Fields of Weaverville.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Pere Woodcock of Richmond, Winston Keller of Martinez, and Claude Greerty of Martinez.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Melba Montrose of San Francisco.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Elba Lytken of Sacramento.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eolen Cook and Edith Pfalzgraf of Sonoma, Ethel Kerr Brooks of Windsor, and Mrs. H. O. Johnson of Santa Rosa.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 249—An act to add Section 10115 to the Insurance Code, relating to life insurance policies.

And appointed Messrs. Beck, Doyle, and Geddes as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: The Committee on Rules announces the appointment of Senators McBride, Cunningham, and Regan as a Senate Committee on Conference concerning Assembly Bill No. 249 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES
POWERS, Chairman

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 304
Senate Bill No. 306
Senate Bill No. 318
Senate Bill No. 404

Senate Bill No. 421
Senate Bill No. 1049
Senate Bill No. 1051
Senate Bill No. 1317

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 967
Senate Bill No. 1450

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Natural Resources, to which were referred:

Senate Bill No. 626

Assembly Bill No. 678

Senate Bill No. 662

Assembly Bill No. 2275

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 6; absent 2.

MAYO, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Natural Resources, to which was referred:

Senate Bill No. 1618

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 8; committee vote: Ayes 6; absent 2.

MAYO, Chairman

Above reported bill ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which were referred:

Senate Bill No. 325

Assembly Bill No. 1707

Assembly Bill No. 2764

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 8; committee vote: Ayes 8.

BREED, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which were referred:

Senate Bill No. 717

Senate Bill No. 1252

Assembly Bill No. 770

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 8.

BREED, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1472

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 26
Assembly Bill No. 361
Assembly Bill No. 983

Assembly Bill No. 1713
Assembly Bill No. 1888
Assembly Bill No. 2414

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolutions were offered:

Senate Concurrent Resolution No. 54: By Senator Hatfield—Relative to the creation of a Fact-Finding Committee on Agriculture and Livestock Problems.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 55: By Senator Watson—Relative to the purchase of an aircraft and of radio equipment for presently owned boats by the Division of Fish and Game.

Referred to Committee on Fish and Game.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 945

Senator Kraft moved that Senate Bill No. 945 be withdrawn from Committee on Business and Professions for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 945—An act to amend Section 1205 of the Business and Professions Code, relating to clinical laboratory technology. Bill read second time.

Motion to Amend

Senator Kraft moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 11, of the printed bill, after "disease", strike out the period and insert ", including veni-puncture or skin puncture for test purposes, by a duly licensed technician or technologist, upon specific authorization from any person licensed under any provisions of law relating to the healing arts."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 954

Senator Kraft moved that Senate Bill No. 954 be withdrawn from Committee on Business and Professions for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 954—An act to amend Sections 2191 and 2192 of the Business and Professions Code, relating to qualification for admittance to examination.

Bill read second time.

Motion to Amend

Senator Kraft moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 3, of the printed bill, immediately following the word "medicine", insert "or the degree doctor of osteopathy".

Amendment No. 2

On page 2, line 4, of said bill, immediately following the word "board", insert a period and strike out the balance of line 4 and all of line 5.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

RESOLUTIONS

The following resolutions were offered:

By Senator Hatfield:

Senate Resolution No. 94

Relative to the creation of the Senate Interim Committee on Livestock Diseases

WHEREAS, An outbreak of hoof and mouth disease in a neighboring country has exposed the cattle industry to great danger; and

WHEREAS, The cattle industry of this State is a matter of the utmost concern to the people of the State, and any epidemic disease of cattle wherever occurring that might spread to this State is a matter upon which this Senate needs be informed; now, therefore, be it

Resolved by the Senate of the State of California, As follows:

1. The Senate Interim Committee on Livestock Diseases is hereby created and authorized and directed to ascertain, study and analyze all facts relating to livestock diseases, and particularly the hoof and mouth disease, and the existence thereof in any place from which such disease may spread into California, and all facts and matters pertaining to livestock diseases and the effect or possible effects thereof on the livestock industry of California including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of two Members of the Senate, appointed by Committee on Rules thereof. The chairman shall be appointed by the Committee on Rules. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1951 Regular Session, with authority to file its final report not later than the thirtieth legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To travel within or outside of this State and the United States in pursuing the investigations committed to it.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senator Swing :

Senate Resolution No. 95

Relative to the creation of an Interim Committee on Recreation and Wildlife Conservation

WHEREAS, The Legislature has initiated a comprehensive program of acquisition and development of land and other property suitable for migratory waterfowl resting grounds and refuges and adaptable for the conservation, propagation, and utilization of the fish and game resources of the State as contemplated in and by the Wildlife Conservation Act of 1947 and generally; and

WHEREAS, The Legislature needs to be informed as to all phases of said program and all matters relating or in any manner appertaining thereto; now, therefore, be it

Resolved by the Senate of the State of California, As follows :

1. The Interim Committee on Recreation and Wildlife Conservation is hereby created and authorized and directed to ascertain, study and analyze all facts relating to what areas within the State are most essential and suitable for migratory waterfowl resting grounds and refuges, and for wildlife production and preservation and will provide suitable recreation, what areas in this State are suitable for game propagation, game refuges, bird refuges, waterfowl refuges, game farms, fish hatcheries, game management areas, and what streams and lakes are, or can be made, suitable for fishing, hunting and shooting, what lands are suitable for providing cover for the propagation and rearing in a wild state of waterfowl, shore birds, and upland birds and the possibilities of acquiring easements on such lands for such cover, and what areas, lands, or rights in lands or water, or other rights should be acquired by the State in order to effectuate a coordinated and balanced program resulting in the maximum revival of wildlife in this State and in the maximum recreational advantage to the people of the State, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of three Members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1951 Regular Session, with authority to file its final report not later than the last legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties :

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To travel, and to authorize its employees to travel, within or outside of this State and the United States in pursuing the investigations committed to it.

(f) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses, or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill No. 1472—An act amending Section 28134 of the Government Code, relating to salaries of officers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "four thousand dollars (\$4,000)", and insert "six thousand dollars (\$6,000)".

Amendment No. 2

On page 1, line 7, of said bill, strike out "four thousand dollars (\$4,000)", and insert "six thousand dollars (\$6,000)".

Amendment No. 3

On page 1, lines 9 and 10, of said bill, strike out "two thousand four hundred dollars (\$2,400)", and insert "three thousand three hundred dollars (\$3,300)".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 693—An act to amend Section 27 of the Storm Water District Act of 1909, relating to storm water districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1092—An act to add Section 143 to the County Water District Act and Section 31006 to the Water Code, relating to county water districts.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 422—An act to add Sections 3a, 16a, 16b, 16c, 16d, 16e, and 16f to the Los Angeles County Flood Control Act, relating to the Los Angeles County Flood Control District.

Bill read second time, and ordered to third reading.

Assembly Bill No. 894—An act to amend Section 21100 of the Water Code, relating to irrigation district offices.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1873—An act to amend Section 8403 of, and to add Section 8402.1 to, the Water Code, relating to flood control.

Bill read second time, and ordered to third reading.

Assembly Bill No. 3035—An act to add Section 3522 to the Revenue and Taxation Code, relating to deeds to the State for taxes.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1, line 8, of the printed bill, as amended, strike out "June", and insert "October".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1723—An act to add Section 16302.1 to the Government Code, relating to the disposition of amounts not exceeding one dollar (\$1) paid to state agencies and determined to constitute overpayments of taxes, penalties, interest, license or other fees, or other revenues due the State of California.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "not exceeding one dollar", and insert "less than two dollars".

Amendment No. 2

On page 1, line 8, of said bill, strike out "not exceeding one dollar", and insert "of less than two dollars".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2849—An act to add Section 6404 to the Revenue and Taxation Code, relating to exemption of livestock from the use tax.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1023—An act to amend Section 17127, and to repeal Section 17136.1 of the Revenue and Taxation Code, relating to personal income taxes, and providing that the act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1024—An act to amend Section 18472 of the Revenue and Taxation Code, relating to personal income taxes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1031—An act to amend Section 17951, and to repeal Section 17320.9 of the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1032—An act to amend Sections 17813, 17817, and 18172.7 to the Revenue and Taxation Code, relating to personal income taxes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1033—An act to amend Sections 18171, 18586, 18691, 18691.1, 18692, 19053.5, and 19061.1, and to add Section 18586.1, to, the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1942—An act to amend Sections 18303 and 18406 of the Revenue and Taxation Code, relating to the filing of partnership and fiduciary returns.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1943—An act to amend Sections 1, 4, 5, 8, 9, 12, 13, 24, 24.1, 25, 31, and 34.1, and to repeal Section 8.2 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1944—An act to amend Sections 2, 7, 8, 15, 16, 18.1, 19, and 24, and to repeal Section 7.2 of the Corporation Income Tax Act, relating to the levy and collection of taxes upon the income of corporations, associations, and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill No. 800—An act to add Section 162 to the Business and Professions Code, and to repeal Section 7080.1 of said code, relating to certificates of certain officers of boards within the Department of Professional and Vocational Standards.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 800?

Amendment No. 1

In lines 2 and 3 of the title of the printed bill, strike out "and to amend Section 7080 of said code,".

Amendment No. 2

On page 1 of the printed bill, strike out lines 13 to 23, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 800 by the following vote:

AYES—Senators Abshire, Brown, Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Drobish, Gibson, Hatfield, Johnson, Keating, Kraft, Mayo, O'Gara, Powers, Regan, Salsman, Sutton, Swing, Tenney, and Watson—23.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 352—An act to amend Section 13 of, and to add Section 13.2 to, the Construction and Employment Act, relating to proj-

ects for which the county allocation thereunder is available, and declaring the urgency thereof, to take effect immediately.

The question being : Shall the Senate concur in the following Assembly amendment to Senate Bill No. 352 ?

Amendment No. 1

On page 1 of the printed bill, strike out lines 23 and 24, and insert "destroyed by fire. The destruction".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 352 by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Drobish, Gibson, Hatfield, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, and Watson—29.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 755—An act to amend Sections 37103, 37426, 38102, 38742, 43069, and 43671 of the Government Code, relating to the organization, government, and powers of cities.

The question being : Shall the Senate concur in the following Assembly amendments to Senate Bill No. 755 ?

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate on April 7, 1949, after "37426," insert "38102,".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out line 18, and insert

"SEC. 3. Section 38102 of said code is amended to read :

38102. An appeal may be taken from the interlocutory judgment within thirty days after its entry. An appeal may be taken from an order granting or denying a new trial within ten days after [the] its entry.

SEC. 4. Section 38742 of said code is amended to read :".

Amendment No. 3

On page 2, line 17, of said bill, strike out "SEC. 4.", and insert

"SEC. 5."

Amendment No. 4

On page 2, line 25, of said bill, strike out "SEC. 5.", and insert

"SEC. 6."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 755 by the following vote :

AYES—Senators Abshire, Breed, Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—28.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 1135—An act to amend Section 802 of the Agricultural Code, relating to the maturity of grapes, declaring the urgency of this act, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1135?

Amendment No. 1

On page 2, line 22, of the printed bill, as amended in the Senate on March 24, 1949, strike out the comma; and strike out line 23, and insert "consti-".

Amendment No. 2

On page 2 of said bill, strike out lines 33 to 37, inclusive, and insert "variety."

Amendment No. 3

On page 3, line 22, of said bill, strike out "petition", and insert "position".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1135 by the following vote:

AYES—Senators Abshire, Breed, Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—27.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 1327—An act to amend Section 1094.5 of the Code of Civil Procedure, relating to the review of administrative orders or decisions.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1327?

Amendment No. 1

On page 2, line 23, of the printed bill, as amended in the Senate on March 30, 1949, following "court," insert "or until the filing of a notice of appeal from the judgment or until the expiration of the time for filing such notice whichever occurs first:".

Amendment No. 2

On page 2, line 25, of said bill, following the period, strike out the remainder of the line; and strike out lines 26 to 36, inclusive, and insert "if an appeal is taken from a denial of the writ, the order or decision of the agency shall not be stayed except upon the order of the court to which such appeal is taken; provided that, in cases where a stay is in effect at the time of filing the notice of appeal, such stay shall be continued by operation of law for a period of twenty (20) days from the filing of such notice. If an appeal is taken from the granting of".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1327 by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Cunningham, Dillinger, Dilworth, Drobish, Gibson, Hulse, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—26.

NOES—None.

Above bill ordered enrolled.

President Pro Tempore of the Senate Presiding

At 2.08 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

RESOLUTIONS

The following resolution was offered :

By Senators Dillinger, Gibson, Dilworth, Swing, and Rich :

Senate Resolution No. 96

WHEREAS, Eighty years ago today, at Promontory Point, in Utah, occurred one of the most important and far-reaching events, not only in the history of California, but in the history of the whole United States; and

WHEREAS, At this point, 690 miles east of Sacramento and 1,034 miles west of the Missouri River, East met West, and never the twain shall part, President Lincoln having signed the bill for the Pacific Railroad, Leland Stanford, president of the Central Pacific, and T. C. Durant, president of the Union Pacific, having driven the last spike, a golden spike, on this momentous tenth day of May, 1869, President Grant announced to the Country, and to the world, the completion of this epoch making project. The bell in the Capitol at Washington rang out, the Mayor of New York ordered a hundred gun salute, and all the land rejoiced; and

WHEREAS, The physical construction of this great project, over obstacles that seemed insurmountable to others, was due to a youthful engineer of that period, whose vision to see, whose courage to dare, and whose determination to do, overcame all obstacles. Literally, that railroad was built with pick and shovel. They had only black powder and none of the equipment used today. The flinty blue rock was so hard that often the powder only backfired from the holes.

Theodore Judah, that young engineer, who surveyed the route and was chief engineer, who was the great-uncle of our esteemed colleague, Senator Ray Judah of Santa Cruz, former State Highway Commissioner, is honored today, in the schools and by a monument here in our Capital City, where a ceremony is being held. Though he was claimed by death at the early age of 37 years, at the very threshold of his promising career, his illustrious achievements, over such great odds, his vision, his courage, which have added lustre to the history of our pioneers, have been and will always be, an inspiration to us, and to posterity.

For all these reasons, it is a privilege to honor the memory of this great builder, and to express our grateful appreciation for the service that he rendered; therefore, be it

Resolved, That when the Senate of the State of California shall adjourn this day, it shall do so in honor of the memory of Theodore Judah; and be it further

Resolved, That the Secretary of the Senate be instructed to have a suitably engrossed copy of this resolution prepared, and to present the same to Senator Ray Judah.

Resolution read, and on the motion of Senator Dillinger, was unanimously adopted.

MOTION TO PRINT OPINIONS OF LEGISLATIVE COUNSEL
IN THE JOURNAL

Senator Burns moved that the following opinions of the Legislative Counsel, relative to the constitutionality of Senate Bill No. 516 and Senate Constitutional Amendment No. 14, be printed in the Journal.

Motion carried.

OPINION OF THE LEGISLATIVE COUNSEL

COPY

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, May 9, 1949

Hon. Gerald J. O'Gara
Senate Chamber

Constitutionality of Senate Bill No. 516 as amended
April 14, 1949—No. 6673

DEAR SENATOR O'GARA: You have asked our opinion as to whether Senate Bill No. 516, as amended April 14, 1949, which provides that labor unions shall have the right to refuse membership to any person or expel

from its membership any person who advocates or is a member, secretly or openly, of any organization which advocates the support of a foreign government against the United States in the event of hostilities or advocates or has as his or its objectives or one of his or its objectives the overthrow of the Government of the United States, or of this State by force and violence or any other unlawful means, is constitutional.

It is our opinion that Senate Bill No. 516, as amended, is constitutional under both Federal and State Constitutions.

There does not seem to be any particular problem constitutionally involved in this bill.

Labor unions have the right, as have all associations, to make reasonable rules and regulations to govern the members and applicants for membership (See *Cameron v. Int. Alliance of Theatrical Stage Employees and Motion Picture Operators of the United States and Canada*, 118 N.J. Eq. 11, 176 Atl. 692 and 31 Am. Jur. 861).

It is true that labor organizations have been somewhat more restricted, in their powers to regulate membership, than have other types of associations, by the decisions of the courts but these decisions result from cases that are based on the arbitrary rules of the unions in denying membership in the union either where there is a closed shop and membership is closed to protect the present members of the union in their seniority rights or where they have denied membership to persons applying on the basis of color, creed or race. (See *Cameron v. Int. Alliance of Theatrical Stage Employees and Moving Picture Operators of the United States and Canada*, 118 N.J. Eq. 11, 176 Atl. 692, *James v. Marin Ship Corporation*, 25 Cal. 2d 721, and *Williams v. The Int. Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America*, 27 Cal. 2d 586.)

In this bill there is no such problem as this seems to be a reasonable type of regulation which is suggested to unions but is not mandatory upon them. It enables the union to require such affidavits and to expel members for advocacy of the violent overthrow of the government. This right the unions have at present.

Thus it seems clear there is no question of constitutionality in this bill.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By HARRY J. ENGLEBRIGHT, Deputy

Copies to authors of Senate Bill No. 516 pursuant to Joint Rule 34.

OPINION OF THE LEGISLATIVE COUNSEL

COPY

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, May 9, 1949

Hon. Gerald J. O'Gara
Senate Chamber

Oath of Officers—No. 6599

DEAR SENATOR O'GARA: You have asked our opinion as to whether Senate Constitutional Amendment No. 14, as amended April 19, 1949, is constitutional.

Senate Constitutional Amendment No. 14, as amended, would provide that:

"Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be), that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I am not pledged nor am I now a member, secretly or openly, of any organization pledged to support a foreign government against the United States in the event of hostilities; and that I do not advocate nor am I now a member of any political party or organization that advocates the overthrow of the Government of the United States, or of the State of California, by force or violence or any other unlawful means."

We have been unable to find any conflict with the provisions of the Constitution of the United States by the amendment to the oath required by the Constitution of this State for the above officers and legislators.

Article VI, Section 3 of the Constitution of the United States, relating to oaths to be taken by members of the state legislatures and all executive and judicial officers of the several states simply provides for an oath or affirmation to support the Constitution of the United States, with the added proviso that no religious test shall be required as a qualification for any office or public trust under the United States.

The oath in the California Constitution as amended by Senate Constitutional Amendment No. 14 does not seem to conflict with this provision in the United States Constitution relating to religion or any other part of that section.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By HARRY J. ENGLEBRIGHT, Deputy

Copies to authors of Senate Constitutional Amendment No. 14 pursuant to Joint Rule No. 34.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS
REQUEST FOR UNANIMOUS CONSENT

Senator Dillinger asked for, and was granted, unanimous consent to have Senate Bill No. 191 passed on file and retain its place on file until the next legislative day.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 967—An act to amend Section 18711 of, and to add Section 18753 to, the Business and Professions Code, relating to boxing and wrestling.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Brown, Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 583—An act to amend Section 28105 of the Government Code, relating to compensation for public services in counties of the fifth class.

Motion to Refer Bill to Inactive File

Senator Burns moved that Senate Bill No. 583 be placed on the inactive file.

Motion carried.

Senate Bill No. 1450—An act to amend Sections 28122 and 28135 of the Government Code, relating to compensation for public services in counties of the twenty-second and thirty-fifth classes.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, O'Gara, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1128—An act to amend Section 9.17 of, and to add Section 9.15a to, the Building and Loan Association Act, relating to the regulation of building and loan associations.

Motion to Refer Bill to Inactive File

Senator Salsman moved that Senate Bill No. 1128 be placed on the inactive file.

Motion carried.

Senate Concurrent Resolution No. 46—Relative to approving a charter of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said county at the general election held therein on the second day of November, 1948.

Motion to Refer Bill to Inactive File

Senator Salsman moved that Senate Concurrent Resolution No. 46 be placed on the inactive file.

Motion carried.

Senate Bill No. 1317—An act to amend Section 340 of the Code of Civil Procedure, relating to limitation of actions.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse,

Jespersen, Johnson, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 306—An act to amend Section 1461 of the Probate Code, relating to the appointment of guardians for insane or incompetent persons.

Bill read third time.

Motion to Amend

Senator Busch moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 9, of the printed bill, as amended on May 9, strike out "and a copy of the petition".

Amendment No. 2

On page 1, line 11, of said bill, between "citation", and "shall", insert "and a copy of the petition".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 304—An act to amend Section 1382 of the Penal Code, relating to the dismissal of criminal actions for delay in bringing a case to trial.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, and Williams—32.
NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Senate Bill No. 1539 was taken up.

Senate Bill No. 1539—An act to repeal an act authorizing the sale of the property in the City of Sacramento used by the State Agricultural Society for the State Fair and providing for the disposition and use of the proceeds from such sale.

Bill read third time.

Motion to Re-refer Senate Bill No. 1539

Senator Desmond moved that Senate Bill No. 1539 be re-referred to Committee on Governmental Efficiency.

Senator Desmond withdrew his motion to re-refer Senate Bill No. 1539 to the Committee on Governmental Efficiency.

President of the Senate Presiding

At 2.45 p.m., Hon. Goodwin J. Knight, President of the Senate, presiding.

Motion to Re-refer Senate Bill No. 1539

Senator Desmond moved that Senate Bill No. 1539 be re-referred to Committee on Governmental Efficiency.

Motion to Table

Senator Rich moved that the motion by Senator Desmond to re-refer Senate Bill No. 1539 to the Committee on Governmental Efficiency be laid on the table.

Roll Call Demanded

Senators Desmond, Tenney, Salsman, and Miller demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Brown, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Dorsey, Drobish, Hulse, Jespersen, Judah, Mayo, Rich, Salsman, Sutton, Swing, Watson, and Williams—20.

NOES—Senators Breed, Burns, Busch, Desmond, Donnelly, Gibson, Hatfield, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Tenney, and Ward—18.

Further Consideration of Senate Bill No. 1539**Previous Question**

Senator Hatfield moved the previous question.

Motion carried.

Point of Order

Senator Desmond rose to a point of order that the motion to lay on the table carried with it the main question.

Point of Order

Senator Hatfield rose to a point of order that the motion for the previous question has been made and carried and it is now too late for Senator Desmond to raise a point of order and all there is before the Senate is to allow Senator Rich to close the debate and call the roll on final passage.

The President ruled the point of order well taken.

The question being on the final passage of Senate Bill No. 1539.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried. Time, 3 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**CONSIDERATION OF DAILY FILE (RESUMED)****CONSIDERATION OF SPECIAL ORDER**

The hour of 3 p.m. having arrived, Assembly Bill No. 1647 was taken up.

Assembly Bill No. 1647—An act to amend Section 1300.15 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill as amended March 24, 1949, strike out line 35, and insert "processors, distributors, or other handlers affected.

(1a) Notwith".

Amendment No. 2

On page 3, line 4, after the period, insert "The provisions of this paragraph (paragraph 1a of subdivision (b) of this section) shall not apply to any variety of any agricultural commodity to the extent that such variety is covered by a marketing order under this chapter or under a marketing agreement covered by the Agricultural Marketing Agreement Act of 1937, as amended (7 USC ed. 601 seq.) which is applicable only to that particular variety, unless such application of this paragraph to such variety is assented to in writing by producers of said variety sufficient as to number and quantity of production to assent to an amendment of said marketing order."

Amendments read.

Roll Call Demanded

Senators Crittenden, Donnelly, and Hatfield demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Crittenden, and Dorsey—2.

NOES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

Further Consideration of Assembly Bill No. 1647

The roll was called, and Assembly Bill No. 1647 passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—34.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Ward asked for, and was granted, unanimous consent to take up Assembly Bill No. 1033, at this time, for the purpose of amendment.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1033—An act to amend Sections 18171, 18586, 18691, 18691.1, 18692, 19053.5, and 19061.1, and to add Section 18586.1,

to, the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Senator Ward moved the adoption of the following amendment:

Amendment No. 1

On page 3, line 15, of the printed bill, as amended in Assembly March 28, 1949, strike out "19053.5", and insert "19053.3".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1112

Senator Ward moved that Senate Bill No. 1112 be withdrawn from Committee on Governmental Efficiency for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1112—An act to amend Section 19562 of the Business and Professions Code, relating to horse racing.

Bill read second time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 19562 of", and insert "add Section 19562.1 to".

Amendment No. 2

On page 1 of said bill, strike out line 1, and insert

"SECTION 1. Section 19562.1 is added to the Business and Professions Code, to read:

19562.1. There shall be paid by the licensed track operator, excepting county fairs, agricultural districts, and associations conducting standard-bred racing only, purses of not less than 4 percent of all money not in excess of ten million dollars (\$10,000,000) handled in the pari-mutuel pool operated by him during the period of the license; 3 percent of the amount by which the total amount so handled by him exceeds ten million dollars (\$10,000,000) but is not more than twenty million dollars (\$20,000,000); and 2 percent of the amount by which the total amount so handled by him exceeds twenty million dollars (\$20,000,000)."

Amendment No. 3

On page 1 of said bill, strike out lines 2 to 25, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 404—An act to add Section 20344.2 to the Education Code, relating to the education in state colleges of persons in the service of the Federal Government.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Busch, Collier, Coombs, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Johnson, Judah, Keating, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1049—An act to amend Section 1143 of the Probate Code, relating to summary sale of decedent's effects to defray burial expense.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendment:

Amendment No. 1

Strike out line 2 of the title of the printed bill, and insert "payment of expenses by public administrator."

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 1051—An act to add Section 1148.5 to the Probate Code, relating to estates of two hundred dollars (\$200) or less.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 12, of the printed bill, strike out "with a copy of the order of the court", and insert "with a copy of the order of the court."

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 4.35 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 1539 refused passage by the following vote:

AYES—Senators Abshire, Collier, Coombs, Cunningham, Dillinger, Dilworth, Dorsey, Drobish, Hulse, Judah, Kraft, O'Gara, Parkman, Rich, Salsman, Sutton, Swing, Ward, Watson, and Williams—20.

NOES—Senators Breed, Brown, Burns, Busch, Crittenden, Desmond, Donnelly, Gibson, Hatfield, Jespersen, Johnson, Keating, Mayo, McBride, Miller, Powers, Regan, and Tenney—18.

Motion to Reconsider

Senator Rich moved to reconsider the vote whereby Senate Bill No. 1539 was refused passage.

Postponement of Reconsideration

On motion of Senator Rich, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1539 was refused passage, was continued until the next legislative day.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill No. 1923—An act to add Section 10180 to the Insurance Code, relating to group life and disability insurance.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 14 and 15, of the printed bill as amended in Senate May 5, 1949, strike out "a definite proportion of the cost of such group insurance", and insert "dividends or rate reductions with the group of persons insured".

Amendment No. 2

On page 1, line 15, of said bill, strike out "reduction", and insert "reductions".

Amendment No. 3

On page 1, lines 23 and 24, and on page 2, line 1, of said bill, strike out "bear a certain proportion of the cost of such group insurance", and insert "share dividends or rate reductions with the group of persons insured".

Amendment No. 4

On page 2, lines 2, 3, and 4, of said bill, strike out "reduction only such portion thereof as his share of the original contribution bore to the total contribution", and insert "reductions only his applicable share thereof".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1038—An act to add Division 3, comprising Sections 28000 to 28501, inclusive, to Title 4 of and Section 100007 to the Corporations Code, thereby codifying and repealing the Retirement Systems Act, and consolidating and revising the law relating to the establishment of retirement systems to provide benefits in respect to the retirement or death of members thereof, and to licensing and supervision of such retirement systems by the Commissioner of Corporations.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 20, of the printed bill, after "laws", insert "existing on September 15, 1945".

Amendment No. 2

On page 1, line 21, of said bill, and on page 2, line 1, of said bill, strike out "in effect on September 15, 1945".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2496—An act to amend Section 630 of the Probate Code, relating to summary probate proceedings.

Bill read third time.

Motion to Amend

Senator O'Gara moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 5 to 8, inclusive, and in line 9, strike out "thousand dollars (\$1,000)", and insert "gross value of the whole estate in this State does not exceed two thousand five hundred dollars (\$2,500)".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 469—An act to add Section 12.5 to an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, relating to water conservation districts.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "12.5", and insert "14.5".

Amendment No. 2

On page 1, line 1, of said bill, strike out "12.5", and insert "14.5".

Amendment No. 3

On page 1 of said bill, strike out lines 3 and 4, and insert "14.5. In the event that on the eighth day after first publication of the notice of any biennial election of officers, only one candidate has been nominated".

Amendment No. 4

On page 1 of said bill, strike out lines 6 to 8, inclusive, and insert "such election, the board of directors shall appoint the nominees to fill the expiring offices of director and the election shall not be held."

Amendment No. 5

On page 1, lines 10 and 11, of said bill, strike out "not less than twenty days prior to the general election", and insert "on or before the eighth day after first publication of the election notice".

Amendment No. 6

On page 1, lines 12 and 13, of said bill, strike out "a general", and insert "the".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 421—An act to amend Sections 5091 and 5093 of the Penal Code, relating to the production of goods by institutions subject to the jurisdiction of the Correctional Industries Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 714

Senator Dilworth moved that Senate Bill No. 714 be withdrawn from Committee on Water Resources for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 714—An act to amend Sections 6, 7, and 10 of the Palo Verde Irrigation District Act, relating to the Palo Verde Irrigation District.

Bill read second time.

Motion to Amend

Senator Dilworth moved the adoption of the following amendments :

Amendment No. 1

On page 2 of the printed bill, as amended in Senate March 29, 1949, strike out lines 3 and 4, and insert "for any firm, corporation, partnership, association, joint tenancy or tenancy in common who owns any real property".

Amendment No. 2

On page 3 of said bill, strike out lines 22 to 43, inclusive, and insert

"Any voter who expects to be absent from the district or who will be unable to vote therein by reason of physical disability or otherwise on the day on which any election is held may vote by absentee ballot or ballots substantially in the manner provided as near as may be by Chapter 5, Division 8, of the Elections Code of California: provided, that the secretary of the district shall perform the functions of the clerk as designated in said chapter, the residence of the voter shall be disregarded, and absentee ballots shall be canvassed by the board of directors at the time it canvasses the election returns."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered :

Senate Concurrent Resolution No. 56: By Senators Brown, Crittenden, Cunningham, Jespersen, and Watson—Relative to the visit of the Legislature to Shasta Dam.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 728

Assembly Bill No. 1564

Assembly Bill No. 2080

Assembly Bill No. 2136

Assembly Bill No. 2902

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 49

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 782—An act to amend Section 26301 of the Government Code, and to amend Section 5157 of the Public Resources Code, relating to public recreation areas and facilities, and to the powers and duties of counties and the boards of supervisors and State Park Commission in connection therewith, and authorizing the issuance and sale of revenue bonds for public improvements and the acquisition and leasing of public property for recreational purposes.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1564—An act to amend Sections 359, 359.3, 359.5, and 360.4, and to add Chapter 8, comprising Section 438, to Division 3, of the Agricultural Code, relating to licensed slaughterers and to injunctive remedy.

Referred to Committee on Agriculture.

Assembly Bill No. 2080—An act to repeal Sections 28000 to 28004, inclusive, of the Health and Safety Code and to add Sections 28000, 28001, 28002, 28003, 28004, 28005, 28006, 28007, 28008, 28009, 28011, 28012, 28013, 28014, and 28015 to said code, relating to horse, mule and burro meat, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2136—An act to amend Sections 298, 307, and 502 of the Vehicle Code, relating to suspension of drivers licenses.

Referred to Committee on Transportation.

Assembly Bill No. 2902—An act to add Section 11005.6 to the Government Code, relating to acquisition of real property by state agencies, and providing for referral of proposed acquisitions to local planning agencies and for approval thereof by the State Public Works Board.

Referred to Committee on Governmental Efficiency.

Assembly Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Sections 1, 11, and 23 and repealing Sections 11a and 13 of Article VI thereof, relating to inferior courts.

Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Transportation, to which were referred:

Senate Bill No. 307

Senate Bill No. 1302

Senate Bill No. 615

Assembly Bill No. 619

Senate Bill No. 617

Assembly Bill No. 621

Senate Bill No. 619

Assembly Bill No. 625

Senate Bill No. 1177

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Transportation, to which were referred:

Assembly Bill No. 656

Assembly Bill No. 620

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 9; absent 3.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Assembly Bill No. 1284

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 9; absent 3.

COLLIER, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 298

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Assembly Bill No. 431

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 7; absent 5.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Assembly Bill No. 438

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 12; committee vote: Ayes 7; noes 3; absent 2.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:
Assembly Bill No. 428
Assembly Bill No. 434
Assembly Bill No. 2945

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:
Assembly Bill No. 414
Assembly Bill No. 1393

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:
Senate Bill No. 68
Senate Bill No. 670
Senate Bill No. 1251
Assembly Bill No. 518
Assembly Bill No. 705

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:
Senate Bill No. 408
Senate Bill No. 1047
Senate Bill No. 1048
Assembly Bill No. 432
Assembly Bill No. 1122

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 10, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Assembly Bill No. 433

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; absent 5.

WARD, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 4.47 p.m., on motion of Senator Powers, the President declared the Senate adjourned until 1.30 p.m., Wednesday, May 11, 1949, out of respect to the memory of Theodore Judah.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTY-NINTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, May 11, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ralph T. Wattenburger, Principal, and the following students of Livermore Union High School of Livermore: Anita Bass, Bob Berry, Phylis Burr, Dan Clelland, James Concannon, Roy Creager, Jeanne Daly, Anne Fagundes, Mary Fosworthy, Charles Francisco, Marian Garbini, Bob Green, Barbara Grenno, Wes Holland, Shirley Hope, Bill Huddleston, Margaret Huff, Joann Jensen, Wallace Keegan, Joan Marsh, Gerald Meamber, Maxine Meyers, Diane Micheli, Jasper Morrison, Patricia Olsen, Betty Olson, Bernie Rafal, Bill Ralph, Peggy Regan, Dotty Regan, Estaline Simes, Dick Schaeffer, Dale Swardley, Patricia Taylor, Jim Tolle, Dave Valdieck, and Janet Vandale.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Rosemary Selch, Ralph Denman, teachers, Mrs. Henry Gerdts, Mrs. Clem Mercier, Mrs. Charles Swanson, Mrs. Albert Kampfen, Mrs. Bell, and

the following students of Evergreen School of San Jose: Patsy Baker, Frank Barrera, Judy Bell, Beatrice Carrillo, Gary Della Maggiore, Marvin Gerdt, president, Sam Gimelli, Joan Hembree, Robert Jones, Arlene Kampfen, Chester Marshall, Robert Martinez, Eddie Maruyama, Dortha Lorraine Mercier, Mary Miranda, Kimiko Omotani, Betty Lea Riddle, Henry Sanchez, Alan Swanson, and Audrie Swanson.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joyce Kenworthy, local executive, Misses Gladys Gifford, Mary Davis, Mesdames Leslie Lopez, Short, Potter, Crockett, Webb, White, Hutchinson, Mathewson, Mary Smith, Dimick, Triplett, Vollmer, Harnett, Seipp, Trimble, and the following Camp Fire Girls of Berkeley: Lois Nance, Dona Colby, Sandra Burgess, Lolamae Wax, Grace Monday, Twyla Joiret, Marie Capelli, Lucretia Markham, Barbara Kimball, Barbara McCorkle, Dalrene Becher, Corrine Lee, Alice Davenport, LaRue Rohn, Carol Rush, Verona Chavez, Julie Kren, Lou Braden, Bernice Hoare, Arlene Hollett, Betty Chapman, Leona Fons, Betty Fowells, Karen Petersen, Nancy Potter, Adrienne Reip, Barbara Reynolds, Joan Rose, Margaret Stone, Hilde Stern, Elaine Kitchell, Pat Meyers, Lynn Ross, Ione Kjelstrom, Linda Larsen, Marilyn Dill, Julie Bale, Jane Missling, Joanne Burlingame, Judy Webb, Mildred Ferguson, Lorelda Fox, Kay Johnson, Gloria Cooper, Virginia Augustine, Virginia Horning, Arlene Davis, Terri Anderson, Ann Bowen, Gail Champion, Sharon Crowther, Dorothy Ellis, Arlene McCoy, Deborah Porritt, Vernita White, Gloria Gregg, Marie Gregg, Pat Holland, Lorraine Jackson, Mary Jordan, Anita Lacey, Elaine Logwood, Beatrice Morrison, Bertha Rochelle, Brenda Stephens, Deborah Thompson, Barbara Stephens, Carol Trimble, Ann Schoepe, Joan Yamasaki, Ann Hutchinson, Donna Sperring, Arlene Dalton, Priscilla Keays, Charlene Strahl, Patricia Davis, Evonne Kempf, Marion MacDonald, Maxine Sawdy, Ann Bowman, Anne Brownson, Betsy Dimick, Dorothy Graves, Nicky Haumeder, Sonya Misch, Patricia Voitich, Suzanne Wick, Jean Williams, Wanda Sparks, Alice Missling, Diane Neel, Joan Triplett, Judy Vollmar, Audrey Wager, Suzanne Webber, Carol Sayer, Kathleen Pendleton, Donna Shervington, Ann Batchelder, Mary Ann Gasser, Carolyn Henderson, Marcia O'Connor, Beverly Warren, Joy Weil, Sharon Workman, Loretta Frug, Barbara Harnett, Andrea Brearcliffe, Phyllis Porter, Leanne Seipp, Beverly Marshman, Mary Ozias, Margot Blume, Norma Blume, Janet Harris, Beverly Joost, Sally McDonald, Pat Tunnickliff, Mary Wood, Pat Royer, Marion James, and Carolyn Runnion.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Maizie Clark and Evelyn D. Spellman, Teachers, and the following Eighth Grade students of Grattan School of San Francisco: Julius Bank, Frank Banks, Rodney Birkett, Joyce Benerfordan, Louise Carlson, Renee Chesse, Gene Ellinger, Donald Flick, Stanley Fox, Marian Griffith, Hilde Grillich, Eleanor Holmes, Barbara Jenkins, Lily Kaji, Carol Lee Lombard, Virginia McElvain, Dorothy Molise, Georgia Morgan, Marilyn Parker, Verna Pearson, Jim Pendlebury, Jerry Pfingsten, Allan Pierce, Margery Saunders, Janet Schwamb, Jerome Smith, Sonja Slatlem, Louise Snyder, Michael Sweeney, Herbert Vogler, Phyllis Bailey, Bruce Chesse,

Connie Glaffkedis, Fred Guensler, Ronald Held, Bonnie Newens, Walter Nieder, Jim Nielsen, Cherryl Pape, Joan Phillips, and Sonja Thylin.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Donald Fletcher, Director, and the following students of the Coro Foundation of San Francisco: Harry Morrison, Bakersfield; Joe Yarkin, New York City; Ken Norris, Berkeley; Frank Abshire, San Francisco; Roger Ranck, Mill Valley; Loy Dickinson, Berkeley; Bob Coate, San Francisco; Leo Ferko, South San Francisco; Dorothy Schell, Chico; Sam Sewall, Redlands; Art Shapiro, New York City; May Gardner, San Jose; Marshall Kelley, Los Gatos; and John Johnson, Menlo Park.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. A. W. Bramwell of Chico.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leo Ferko, South San Francisco, and W. D. Fletcher of Atherton.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Margaret Nottage of Berkeley and M. C. Netherland of Oakland.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Williams of Twining.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Bernice Gibson of Yuba City.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Councilman and Mrs. Kenneth Hahn of Los Angeles and Norma Jean Burke of Alhambra.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Raymond V. Darby, Chairman of Board of Supervisors, Los Angeles County.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Smith P. Macomber of Strathmore.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. H. Voss and Percy E. Roberts of San Francisco.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Grace Gasper of Petaluma.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edwin J. Regan of Weaverville and Mrs. Larry Lambert of Houston, Texas.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Woolley, Mrs. Bunn, teachers; Mrs. Harry Hobbs, Mrs. Arthur Somerhalder, Mrs. Chester Rossi, Mrs. George Pinney, Mrs. Joe Cecchini, Mrs. Raymond Walker, Mrs. Charles Cecola, and the following students of Knightsen Grammar School of Knightsen: Elpedia Garcia, Lenora Foust, Joan Hobbs, Roberta Rossi, Helena Somerhalder, Patsy Aguilar, Antonia

Alanis, Jean Vasquez, Thelma Craggs, Rowena Davenport, Madeline Duran, Billie Harris, Margie Simmons, Jean Singh, Connie Vasquez, Norma Lee Webb, Sandra Walker, Dorothy Simmons, Jerilee Geddes, Maggie Alanis, Carmen Berumen, Lavera Foust, Carmen Singh, Shirley Willis, Hilaria Urenda, Hazel Calvert, James Bartels, Howard Bloomfield, Manuel Garcia, Jack Ladd, Donald Lee, Claudio Martinez, Shigero Niiyama, Robert Pinney, Jack Webb, Arthur Yingling, Bruce Langshaw, Peter Martinez, Vincent Pastor, Manuel Tarango, Gordon Willis, Edward Pinney, and Robert Cecchini.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 249—An act to add Section 10115 to the Insurance Code, relating to life insurance policies.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 82	Assembly Bill No. 1817
Assembly Bill No. 191	Assembly Bill No. 1818
Assembly Bill No. 576	Assembly Bill No. 1819
Assembly Bill No. 778	Assembly Bill No. 1820
Assembly Bill No. 1711	Assembly Bill No. 1821
Assembly Bill No. 1484	Assembly Bill No. 1822
Assembly Bill No. 1814	Assembly Bill No. 1823
Assembly Bill No. 1815	Assembly Bill No. 2248
Assembly Bill No. 1816	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted.

Assembly Joint Resolution No. 37

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 82—An act to amend Section 252 of the Unemployment Insurance Act, relating to unemployment compensation disability insurance.

Referred to Committee on Social Welfare.

Assembly Bill No. 191—An act to add Section 122.5 to the Labor Code, relating to medical assistance of the Industrial Accident Commission under the Workmen's Compensation Act.

Referred to Committee on Labor.

Assembly Bill No. 576—An act to amend Section 18702 of the Education Code, relating to the sale of personal property of school districts.

Referred to Committee on Education.

Assembly Bill No. 778—An act to amend Section 203 of the Code of Civil Procedure, relating to the selection of jurors in municipal courts and in police courts in cities of the second class.

Referred to Committee on Judiciary.

Assembly Bill No. 1711—An act to amend Section 10490.1 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1484—An act to add Sections 4902.5, 4902.6, 4902.7, 4902.8, 4902.9, 4963.1, 4963.2, 4963.3, and 7431.1 to the Education Code and to amend Sections 4962 and 4963 of said code, all relating to school districts.

Referred to Committee on Education.

Assembly Bill No. 1814—An act to amend Section 1770 of the Government Code, relating to vacancies in office.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1815—An act to repeal Sections 159 and 159a of the Code of Civil Procedure, relating to qualifications of justices of the peace.

Referred to Committee on Judiciary.

Assembly Bill No. 1816—An act to amend Section 144 of the Code of Civil Procedure, relating to courtrooms.

Referred to Committee on Judiciary.

Assembly Bill No. 1817—An act to amend Section 26203 of the Government Code, relating to census.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1818—An act to amend Section 77a of the Code of Civil Procedure and Section 1469 of the Penal Code, relating to appeals to superior courts.

Referred to Committee on Judiciary.

Assembly Bill No. 1819—An act to amend Sections 1457 and 1463 and to repeal Section 1570 of the Penal Code, and to amend Section 771 of the Vehicle Code, relating to fines and forfeitures.

Referred to Committee on Judiciary.

Assembly Bill No. 1820—An act to amend Sections 1425 and 1462 of, and to add Sections 1462.1 and 1462.2 to, the Penal Code, relating to municipal and justice courts.

Referred to Committee on Judiciary.

Assembly Bill No. 1821—An act to amend Sections 89, 112, and 396a, and to repeal Section 81, of the Code of Civil Procedure, relating to municipal and justice courts.

Referred to Committee on Judiciary.

Assembly Bill No. 1822—An act prescribing the regulation, government, procedure and jurisdiction of municipal and justice courts, and providing for the election and appointment of the judges, officers and

attaches of such courts, their terms of office, qualifications and compensation.

Referred to Committee on Judiciary.

Assembly Bill No. 1823—An act providing for the division of counties into judicial districts and for the determination of the population of said districts, and repealing Sections 27800, 27801, 27802, and 27803 of the Government Code.

Referred to Committee on Local Government.

Assembly Bill No. 2248—An act to amend Section 925 of the Probate Code, relating to vouchers.

Referred to Committee on Judiciary.

Assembly Joint Resolution No. 37—Relative to memorializing the Congress of the United States to give the State of California due consideration in proposed national legislation respecting cotton production.

Referred to Committee on Agriculture.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 18—An act to amend Section 4852.17 of the Penal Code, relating to the restoration of certain rights to persons who are granted full and unconditional pardons;

Senate Bill No. 19—An act to amend Sections 2051 and 2065 of the Code of Civil Procedure, relating to examination and impeachment of witnesses;

Senate Bill No. 90—An act to amend Section 3571 of the Education Code, relating to the formation of high school districts;

Senate Bill No. 135—An act to amend Section 22500 of, and to add Section 22505 to, the Water Code, relating to disposition of irrigation district property;

Senate Bill No. 161—An act to add Section 369 to the Education Code, relating to the retirement of county superintendents of schools, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 215—An act to amend Section 1512 of the Elections Code, relating to voters' pamphlets;

And reports that the same have been correctly enrolled, and presented to the Governor on the eleventh day of May, 1949, at 10 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 216—An act to add Section 1509.5 to the Elections Code, relating to ballot pamphlets;

Senate Bill No. 435—An act to add Section 29 to the American River Flood Control District Act, relating to the acquisition of additional flood control works for operation, repair and maintenance and the assessment of property benefited by those works;

Senate Bill No. 525—An act to amend Section 954 of the Streets and Highways Code, relating to the abandonment of county highways, including the creating and designating of stock trails;

Senate Bill No. 527—An act to amend Section 943 of the Streets and Highways Code, relating to the abandonment of county highways, including the authorizing of boards of supervisors to create and designate stock trails;

Senate Bill No. 657—An act to repeal an act entitled "An act withdrawing certain state land from sale or lease and setting the same aside for the use and benefit of Indians," approved May 30, 1923;

Senate Bill No. 659—An act to amend Section 7410 of the Public Resources Code, relating to state lands, removing acreage limitations on purchases thereof ;
And reports that the same have been correctly enrolled, and presented to the Governor on the eleventh day of May, 1949, at 10 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 893—An act to amend Sections 795.1 and 795.5 of the Agricultural Code, relating to standards for citrus fruits, declaring the urgency of this act, to take effect immediately ;

Senate Bill No. 897—An act to amend Section 526 of the Agricultural Code, relating to milk products plant and packaging therein ;

Senate Bill No. 1119—An act authorizing the Director of Finance, with the approval of the Youth Authority, to exchange certain real property in the County of Sonoma, State of California ;

Senate Bill No. 1218—An act to amend Section 1260 of the Civil Code, relating to homesteads ;

Senate Bill No. 1238—An act to amend Section 28128 of the Government Code and Section 428 of the Education Code, relating to compensation for public services in counties of the twenty-eighth class ;

And reports that the same have been correctly enrolled, and presented to the Governor on the eleventh day of May, 1949, at 10 a.m.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 693

Senate Bill No. 1472

Senate Bill No. 4092

Senate Concurrent Resolution No. 53

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 306

Senate Bill No. 1049

Senate Bill No. 469

Senate Bill No. 1051

And reports the same correctly re-engrossed.

POWERS, Chairman

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Senate Bill No. 126

Senate Bill No. 477

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 11; noes 1; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Senate Bill No. 69

Senate Bill No. 438

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 12; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:
Senate Bill No. 1625

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Senate Bill No. 366	Assembly Bill No. 2249
Assembly Bill No. 919	Assembly Bill No. 1568
Assembly Bill No. 1018	Assembly Bill No. 1565
Assembly Bill No. 3103	Assembly Bill No. 1567
Assembly Bill No. 441	Assembly Bill No. 2193
Assembly Bill No. 1651	Assembly Bill No. 2968

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 12; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Rules to which was referred the message from the Governor, dated May 2, 1949, appointing

CHARLES T. LEIGH, to the California Highway Commission, vice C. Arnholt Smith, resigned, for the term prescribed by law, ending January 15, 1951: Has had the same under consideration, and respectfully reports the same back and recommends that the appointment of the Governor be confirmed.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Powers moved that the Senate confirm and consent to the appointment of Charles T. Leigh as a member of the California Highway Commission.

The President put the question. "Will the Senate confirm and consent to the appointment of Charles T. Leigh?"

The roll was called, with the following result:

AYES—Senators Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Parkman, Powers, Salsman, Swing, Tenney, and Williams—22.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Charles T. Leigh as member of the California Highway Commission.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received, and read:

SENATE CHAMBER, SACRAMENTO, May 9, 1949

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 249—An act to add Section 10115 to the Insurance Code, relating to life insurance policies;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill be further amended as follows:

Amendment No. 1

On page 2 of the printed bill, as amended in Senate May 5, 1949, strike out lines 3 and 4 and insert "policy of life insurance either to (1) an amount not less than its established maximum retention, or to (2) fifty thousand dollars".

REGAN
McBRIDE
CUNNINGHAM

GEDDES
DOYLE
BECK

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Abshire, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Keating, Kraft, McBride, Parkman, Powers, Regan, Salsman, Swing, Tenney, Ward, and Williams—25.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 57: By Senator Swing—Relative to approving certain amendments to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the eleventh day of April, 1949.

Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 57, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 57

Senate Concurrent Resolution No. 57—Relative to approving certain amendments to the charter of the City of San Bernardino, a municipal corporation in the County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at a special election held thereon on the eleventh day of April, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Keating, Kraft, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, and Williams—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

MOTIONS TO RECONSIDER

Senate Bill No. 1539—An act to repeal an act authorizing the sale of the property in the City of Sacramento used by the State Agricultural Society for the State Fair and providing for the disposition and use of the proceeds from such sale.

Motion to Postpone Reconsideration

Senator Rich moved that his motion to reconsider the vote whereby Senate Bill No. 1539 was refused passage be postponed until the next legislative day.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried. Time, 2.04 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MOTION TO RE-REFER ASSEMBLY BILL NO. 42

Senator Hatfield moved that Assembly Bill No. 42 be re-referred to Committee on Fish and Game.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 644

Senator Dillinger moved that Senate Bill No. 644 be withdrawn from Committee on Social Welfare for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 644—An act to repeal Sections 9.5, 41.1, and 102 of, and amend Sections 9, 9.2, 45, 45.5, 53, 54, 55, 57, 71, 151, 205, and 252 of, and add Section 41.1 to the Unemployment Insurance Act, relating to unemployment insurance and disability insurance.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "252", and insert "40".

Amendment No. 2

On page 2, line 36, of said bill, strike out "As used herein", and insert "For the purpose of this section only the term".

Amendment No. 3

On page 5 of said bill, strike out lines 21 to 23, inclusive, and insert "(i) The commission may cancel any assessment or portion thereof which it finds to have been erroneously made; provided, however, that with respect to an assessment which has become final such a cancellation shall be made only upon the approval of the Appeals Board."

Amendment No. 4

On page 6, line 37, of said bill, strike out "As used herein", and insert "For the purpose of this section only the term".

Amendment No. 5

On page 9 of said bill, strike out lines 31 to 51, inclusive, and on page 10 strike out lines 1 to 10, inclusive, and insert

"SEC. 13. Section 40 of the Unemployment Insurance Act is amended to read:

Sec. 40. The commission shall keep separate records of the amounts paid into the fund by each employer in his own behalf, or chargeable to him as benefits; but nothing in this chapter shall be construed to grant any employer or his employees prior claims or rights to the amount contributed by him to the fund, either on his own account or on behalf of his employees. The amount of employer contributions shall be pooled and available to pay benefits to any employee entitled to benefits under the provisions of Articles 1 to 9 inclusive regardless of the source of contributions.

Whenever an employer ceases to pay wages in employment subject to this act the account of such employer, unless it has been transferred under Section 41.5, shall be canceled on the records of the commission after a period of three consecutive years has elapsed following the latest calendar quarter in which such employer paid wages in employment under the act."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 626—An act to amend Sections 507, 2203, and 2207 of, and to add Section 507.1 to, the Public Resources Code, relating to the administration and functions of the Division of Mines.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 662—An act to amend Sections 6303 and 6897 of the Public Resources Code, relating to state lands and providing for the extraction or removal of minerals, other than oil and gas, and of other material therefrom.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1618—An act to amend Sections 6210.6, 6301, 6357, 6502, 6813, 6815, 6827, 6834, 6836, 6871, 6873, and 6874, to add Section 6501.1 and to amend the title of Article 3 of Chapter 4, Part 1, Division 6 of the Public Resources Code, relating to lands owned by the State, including tidelands and submerged lands, beds of navigable rivers and lakes, lands held in proprietary or sovereign capacity, and other lands, providing for the administration, management, leasing, and disposition thereof, and of the oil and gas and other mineral deposits within or upon such lands.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

In line 1 of the title of the printed bill as amended in Senate May 3, 1949, strike out "6210.6,".

Amendment No. 2

In line 2 of the title of said bill, strike out "6873,".

Amendment No. 3

On page 1 of said bill, strike out lines 1 to 13, inclusive, and insert

"SECTION 1. Section 6301 of the Public Resources Code is amended to read:".

Amendment No. 4

On page 4 of said bill, strike out lines 19 to 51, inclusive, and on page 5, strike out lines 1 to 7, inclusive.

Amendment No. 5

On page 5, line 13, of said bill, strike out "as to any operations which are"; strike out lines 14 and 15, and in line 16, strike out "mile from shore."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 325—An act to amend Section 8961.3 of the Health and Safety Code, relating to the powers of public cemetery districts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1 of the printed bill, strike out line 7 and insert "and maintain a mausoleum if construction thereof was completed at least ten years prior to May 1, 1947; provided, however, that such district may construct additions to such a mausoleum for crypt entombment."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 717—An act to amend Sections 2205 and 2206 of the Health and Safety Code, relating to the organization and powers of mosquito abatement districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1252—An act to amend Sections 3, 4, and 5 of the Sanitation and Sewer Revenue Bond Act of 1941, relating to sanitation and sewer revenue-producing enterprises.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 307—An act to amend Section 619 of the Vehicle Code, relating to headlamps on motor vehicles.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 615—An act to amend Section 27164 of the Streets and Highways Code, relating to bridge and highway districts, and to the acquisition and construction of property thereby.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 617—An act to amend Section 27122 of the Streets and Highways Code, relating to bridge and highway districts, and the number of directors thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 619—An act to amend Sections 27281 and 27300 of the Streets and Highways Code and to add Sections 27174, 27281a, and 27300a thereto, relating to bridge and highway districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1177—An act to amend Section 419, to repeal Sections 420, 420.1, 420.2, 420.3, 420.4, 420.5, 420.6, 420.7, 420.8, and 420.9, and to add Sections 420, 421, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 422.6,

423, and 423.1, of the Vehicle Code, relating to financial responsibility, and declaring the urgency thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1302—An act to amend Sections 208 and 378 of the Vehicle Code, relating to expiration of special plates and when fees become delinquent.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 298—An act to add Article 10 to Chapter 4, Division 3, of the Business and Professions Code, relating to loyalty of attorneys.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, as amended in Senate May 3, 1949, strike out lines 6 and 7, and insert

"6175. Within ninety days after the effective date of this article, every member of the State Bar of California, active or inactive, shall file with the board of governors of the State Bar of California, the following affidavit, subscribed and sworn to (or affirmed) before a person authorized by law to administer oaths:"

Amendment No. 1A

On page 2, line 14, of said bill, strike out "of the State".

Amendment No. 2

On page 2, lines 32 and 33, of said bill, strike out "Association of this State", and insert "of California".

Amendment No. 3

On page 2 of said bill, strike out lines 42 to 50, inclusive, and insert

"Any member of the State Bar of California who fails to file the above affidavit upon receipt of notice from the State Bar of California to do so, shall be suspended from membership in the State Bar of California and shall not be reinstated unless and until he has filed said affidavit."

Amendment No. 4

On page 2, line 51, of said bill, strike out "6179", and insert "6176".

Amendment No. 5

On page 2, line 52, of said bill, after "State Bar", insert "of California".

Amendment No. 6

On page 3, line 2, of said bill, strike out "the loyalty oath", and insert "of governors of the State Bar of California, an affidavit as provided in Section 6175".

Amendment No. 7

On page 3 of said bill, strike out lines 4 to 52, inclusive, and on page 4, strike out lines 1 to 21, inclusive.

Amendment No. 8

On page 4, line 22, of said bill, strike out "6186", and insert "6177".

Amendment No. 9

On page 4, line 22, of said bill, strike out "oath (or affirmation)", and insert "affidavit".

Amendment No. 10

On page 4, line 23, of said bill, strike out "oath", and insert "affidavit".

Amendment No. 11

On page 4, line 25, of said bill, strike out "6187", and insert "6178".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 68—An act to amend Section 660 of the Vehicle Code, relating to the sale of used vehicles.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 670—An act to amend Section 2472 of the Civil Code and Section 15700 of the Corporations Code, relating to service of process on foreign partnerships, and specifying the duties of the Secretary of State in connection therewith.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1251—An act to amend Section 185 of the Vehicle Code, relating to transfer without probate.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 408—An act to add Article 2a, comprising Sections 1928.5 to 1928.9, both inclusive, to Chapter 3 of Title 2 of Part 4 of the Code of Civil Procedure, relating to official reports as evidence.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "add Article 2a, comprising Sections 1928.5 to 1928.9, both inclusive, to Chapter 3 of Title 2 of Part 4", and insert "amend Section 1920b".

Amendment No. 2

In line 3 of the title of said bill, strike out "official reports", and insert "copies of records".

Amendment No. 3

In line 1 of said bill following "SECTION 1.", strike out the remainder of the line, and lines 2 to 27, inclusive, and insert

"Section 1920b of the Code of Civil Procedure is amended to read:

1920b. A print, whether enlarged or not, from any photographic film, including any photographic plate, microphotographic film, or photostatic negative, of any original record, document, instrument, plan, book or paper destroyed or lost after such film was taken may be used in all instances that the original record, document, instrument, plan, book or paper might have been used, and shall have the full force and effect of said original for all purposes, upon proof that the following conditions exist:

1. That at the time of the taking of said photographic film, microphotographic, photostatic or similar reproduction, the person or officer under whose direction and control same was taken *incorporated therein*, attached thereto, or to the sealed container in which the same was placed and has been kept, a certificate complying with the provisions of Section 1923 of this code and stating the date on which, and the fact that, the same was so taken under his direction and control;

2. That said photographic film, microphotographic, photostatic or similar reproduction was taken in order to keep a permanent record of the original; and

3. That the said original was subsequently destroyed or lost."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 1047—An act to amend Section 932 of the Probate Code, relating to accounts of deceased or incompetent executor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 14 of the printed bill, strike out "shall", and insert "may".

Amendment No. 2

In lines 15 and 16 of said bill, strike out "former personal representative or guardian", and insert "deceased or incompetent executor or administrator".

Amendment No. 3

In lines 16 and 17 of said bill, strike out "his executor, administrator, or guardian", and insert "said deceased or incompetent executor or administrator to the extent that the attorney has information or records available to him for the purpose".

Amendment No. 4

In lines 18 and 19 of said bill, strike out "but must be approved by the court before the attorney is released from responsibility".

Amendment No. 5

In line 19 of said bill, strike out "may", and insert "shall".

Amendment No. 6

After line 20 of said bill, insert

"SEC. 2. Section 1555 of the Probate Code is amended to read:

The termination of the relation of guardian and ward by the death of either guardian or ward or by the ward attaining his majority or being restored to capacity shall not cause the court to lose jurisdiction of the proceeding for the purpose of settling the accounts of the guardian. The account of a deceased guardian shall be presented by his executor or administrator. *In the event the guardian absconds or dies and there is no executor or administrator appointed for his estate, the guardian's account may be rendered by his attorney in which case it need not be verified. A fee shall be allowed the attorney by the court for this extraordinary service.*"

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 1048—An act to amend Section 1144 of the Probate Code, relating to administration by the public administrator of estates of a value not exceeding two hundred dollars (\$200).

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 15, of the printed bill, after "illness", insert ", the balance if any to be used to pay other claims approved by the court".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 678—An act to amend Section 7056 of the Public Resources Code, relating to oil, gas and mineral leases by counties and other public or quasi public corporations, bodies or agencies.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2275—An act to amend an act entitled "An act to amend Section 5032 of the Public Resources Code, relating to Mission Bay State Park, and making an appropriation to the State Division of Beaches and Parks, Department of Natural Resources, for development,

and improvement of Mission Bay Park, to take effect immediately," approved July 17, 1945, relating to the Mission Bay State Park in San Diego County, California.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1707—An act to add Section 7409 to the Welfare and Institutions Code, relating to the qualifications of the superintendent of a psychiatric hospital clinic in the City of Los Angeles under the control of the Department of Mental Hygiene.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1 of the printed bill, strike out lines 15 to 20, inclusive, and insert "the above-mentioned additional requirements. The questions for the examination of such superintendent shall also weigh his qualifications or experience in hospital administration, in the field of teaching, and in the organization and successful prosecution of meritorious research projects, and shall".

Amendment No. 2

On page 2 of the printed bill, strike out lines 1 to 7, inclusive, and insert "a representative of the State Personnel Board."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2764—An act to amend Section 28380 and Section 28411, of the Health and Safety Code, and to add Section 28411.5 to the Health and Safety Code, relating to canneries.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

Strike out line 1 of the title of the printed bill, and insert "An act to amend Section 28361, and Section 28380 and Section 28411 of the Health".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, above line 1, insert

"Section 28361 of the Health and Safety Code is amended to read:

28361. "Meat or meat product" as used in this chapter, means any meat or meat product which is not subject to the inspection of the Division of Animal [Husbandry] Industry of the State Department of Agriculture, or of the Bureau of Animal [Husbandry] Industry of the United States Department of Agriculture, or of an approved municipal inspection department or establishment."

Amendment No. 3

On page 1, line 1, of said bill, strike out "Section 1", and insert "Section 2".

Amendment No. 4

On page 1, line 16, of said bill, strike out "SEC. 2", and insert "SEC. 3".

Amendment No. 5

On page 2, line 10, of said bill, strike out "SEC. 3", and insert "SEC. 4".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 770—An act to amend Section 5700 of the Welfare and Institutions Code, relating to private institutions for the care or treatment of insane, alleged insane, mentally ill, or other incompetent persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1472—An act to create the Franchise Tax Board, prescribing its powers, duties, jurisdictions, purposes, and functions and abolishing the office of Franchise Tax Commissioner.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, lines 2 and 3, of the printed bill, as amended in Assembly April 27, 1949, strike out "Director of Finance, the State Controller", and insert "Lieutenant Governor, the Secretary of State".

Amendment No. 2

On page 2, lines 24 and 25, of said bill, strike out "The Franchise Tax Board, by unanimous consent", and insert "The Governor, with the consent and approval of two-thirds of the Senate".

Amendment No. 3

On page 2, lines 25 and 26, of said bill, strike out "serve at the pleasure of the board", and insert "be a civil executive officer".

Amendment No. 4

On page 2, line 28, of said bill, strike out "only by unanimous consent of", and insert "by".

Amendment No. 5

On page 2, line 30, of said bill, strike out "board", and insert "executive officer".

Amendment No. 6

On page 2 of said bill, after line 39, insert
"SEC. 4. The provisions of this act shall become effective January 1, 1950."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 26—An act to add Section 20894.2 to the Government Code, relating to employees of contracting agencies in the State Employees' Retirement System.

Bill read second time, and ordered to third reading.

Assembly Bill No. 361—An act adding Sections 31681 and 31738 to the Government Code, relating to retirement allowances.

Bill read second time, and ordered to third reading.

Assembly Bill No. 983—An act authorizing the Director of Finance, with the approval of the Director of the Department of Mental Hygiene, successor in interest of Norwalk State Hospital, to exchange

certain lands with the Atchison, Topeka and Santa Fe Railway Company, a corporation, in the County of Los Angeles, State of California.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1713—An act to add Section 55.65 to and to amend Sections 40 and 55.6 of the Alcoholic Beverage Control Act, relating to the sale of wine, requiring the posting of prices and the making and filing of fair trade contracts in relation thereto, and governing the giving of discounts in connection with the sale of wine.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1888—An act to amend Section 18712 of the Government Code, relating to reports of the Personnel Board.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2414—An act to add Section 8004.5 to the Government Code, relating to the Commission on Interstate Cooperation and members thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 619—An act to amend Sections 525, 525.1, and 540 of, and to add Section 525.2 to the Vehicle Code, relating to the driving of vehicles on highways.

Bill read second time, and ordered to third reading.

Assembly Bill No. 621—An act to amend Sections 552, 553, and 554 of the Vehicle Code, relating to pedestrians and the operation of vehicles on highways.

Bill read second time, and ordered to third reading.

Assembly Bill No. 625—An act to repeal Section 586.5 of, and to add Sections 39.7 and 586.5 to the Vehicle Code, relating to the operation of tow cars.

Bill read second time, and ordered to third reading.

Assembly Bill No. 656—An act to amend Section 511.2 of the Vehicle Code, relating to speed limits upon highways.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 21, of the printed bill, as amended in Assembly March 28, 1949, strike out "two", and insert "one".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 620—An act to add Section 531.1 to the Vehicle Code, relating to overtaking and passing on a grade.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Assembly March 21, 1949, strike out "531.1", and insert "530.5".

Amendment No. 2

On page 1, line 1, of said bill, strike out "531.1", and insert "530.5".

Amendment No. 3

On page 1, line 3, of said bill, strike out "531.1", and insert "530.5".

Amendment No. 4

On page 1, line 7, of said bill, as amended, strike out the word "fifteen", and insert "twelve".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1284—An act to add Section 603 to the Streets and Highways Code, relating to state highways.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 603 to", and insert "amend Section 375 of".

Amendment No. 2

On page 1, line 1, of said bill, strike out "603 is added to", and insert "375 of".

Amendment No. 3

On page 1, line 2, of said bill, strike out the comma, and insert "is amended".

Amendment No. 4

On page 1 of said bill, strike out lines 3 to 5, inclusive, and insert "375. Route 75 is from:

- (a) Oakland to Route 5 near Stockton via Walnut Creek and Antioch.
- (b) Route (a) above north of Walnut Creek to Martinez.
- (c) Route 4 near Stockton via Copperopolis to Route 65 near Altaville."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Assembly Bill No. 431—An act to add Section 15 to an act entitled the "State Aeronautics Commission Act," relating to liability of aircraft owners, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, lines 8 and 9, of the printed bill, strike out "maintenance, use or operation of such aircraft", and insert "conduct of such airman".

Amendment No. 2

On page 1 of said bill, strike out lines 13 and 14, and insert "said airman."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 438—An act to amend Section 5402 of the Welfare and Institutions Code, relating to appearance in court, time and place of hearing, and commitment to rehabilitation center.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 3, of the printed bill, as amended in Assembly March 17, 1949, after "shall", insert "immediately".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 428—An act to add Section 834 to the Corporations Code, relating to derivative actions by shareholders.

Bill read second time, and ordered to third reading.

Assembly Bill No. 434—An act to amend Section 499b of, and to add Section 499d to the Penal Code, relating to unauthorized taking or operation of vehicles or aircraft.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2945—An act to add Section 754.6 to the Probate Code, relating to the sale of property in probate.

Bill read second time, and ordered to third reading.

Assembly Bill No. 414—An act to add Section 246 to the Penal Code, relating to the discharging of firearms or throwing of missiles at dwelling houses or occupied buildings.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1393—An act to add Section 373.5 to the Code of Civil Procedure, relating to the appointment and compensation of guardian ad litem for unborn and unascertained persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 518—An act to amend Sections 1203.1 and 1203a of the Penal Code, relating to the terms and conditions of probation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 705—An act to amend Section 801 of the Probate Code, relating to the sale of property in probate.

Bill read second time, and ordered to third reading.

Assembly Bill No. 432—An act relating to labor and material liens on aircraft.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Assembly March 24, 1949, after "labor", insert ", service".

Amendment No. 2

On page 1, line 14, of said bill, after "mortgagee", insert ", if any there be,".

Amendment No. 3

On page 1, line 15, of said bill, after "mortgagee", insert ", if any there be,".

Amendment No. 4

On page 2 of said bill, strike out lines 38 to 41, inclusive, and insert

"SEC. 7. Aircraft not operated exclusively by an air carrier or a foreign air carrier, as defined in subdivisions (2) and (19) of Section 1 of Chapter 601 of the Statutes of the Seventy-fifth United States Congress, Second Session (1938), engaged in air transportation as defined in subdivision (10) of the same section while there is in force a certificate by, or a foreign air carrier permit of, the Civil Aeronautics Board of the United States, or its successor, authorizing such air carrier to engage in such transportation."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Assembly Bill No. 1122—An act to add Section 812 to the Civil Code, relating to estates in real property.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 4, of the printed bill, as amended in Assembly March 16, 1949, strike out "by reason of the frontage of lots thereon".

Amendment No. 2

On page 1, line 5, of said bill, strike out "or".

Amendment No. 3

On page 1 of said bill, between lines 6 and 7, insert "other than a private easement necessary for the purpose of ingress and egress to any such lot from or to a public street or highway,".

Amendment No. 4

On page 1 of said bill, following the period in line 15, insert "Nothing in this section shall be construed to create any such private easement, nor to extend any such private easement now recognized by law, nor to make the rights of the public in or to any street or highway subordinate to any such private easement."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Assembly Bill No. 433—An act to add Section 625b to the Penal Code, relating to wilful or malicious injury to aircraft and providing a penalty therefor.

Bill read second time, and ordered to third reading.

MOTION TO RE-REFER ASSEMBLY BILLS NOS. 1472, 2414, 1888, AND 1284

Senator Rich moved that Assembly Bills Nos. 1472, 2414, 1888, and 1284 be re-referred to the Committee on Finance.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 116

Senator Dorsey moved that Senate Bill No. 116 be withdrawn from Committee on Finance for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 116—An act to provide for leasing additional facilities and service for the extension, maintenance, and operation of the teletypewriter system of communication by the State Department of Justice, and to make an appropriation therefor.

Bill read second time.

Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 14, of the printed bill, after "Office," and before the word "and", insert "Bakersfield Police Department,".

Amendment No. 2

On page 1, line 17, of the printed bill, strike out "three hundred sev-".

Amendment No. 3

On page 1, line 18, of the printed bill, strike out "enty-nine", and insert "eight hundred sixty-five".

Amendment No. 4

On page 1, line 18, of the printed bill, strike out "\$31,379.04)", and insert "\$31,865.04)".

Amendments read, and adopted.

Bill ordered printed, and referred to Committee on Finance.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 2.18 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the motion by Senator Rich to continue his motion to reconsider the vote whereby Senate Bill No. 1539 was refused passage was continued until the next legislative day by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—33.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Dillinger asked for, and was granted, unanimous consent to have Senate Bill No. 191 passed on file and retain its place on file until the next legislative day.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS**

Senate Bill No. 625—An act to amend Section 6803 of the Education Code, relating to daily attendance.

Motion to Refer Bill to Inactive File

Senator Dillinger moved that Senate Bill No. 625 be placed on the inactive file.

Motion carried.

Senate Bill No. 469—An act to add Section 14.5 to an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, relating to water conservation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Coombs, Crittenden, Cunningham, Dillinger, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, O'Gara, Parkman, Powers, Regan, Sutton, Tenney, Ward, Watson, and Williams—25.
NOES—Senator Donnelly—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 318—An act to amend Sections 9802, 9807, and 12143.5 of the Education Code, to add Sections 9802.1, 9807.2, and 9807.3 to said code, all relating to the education of mentally retarded minors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1472—An act amending Section 28134 of the Government Code, relating to salaries of officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Powers, Regan, Salsman, Sutton, Tenney, Watson, and Williams—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 53—Approving the charter of the City of Merced, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twelfth day of April, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Coombs, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, O'Gara, Powers, Regan, Salsman, Sutton, Tenney, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 306—An act to amend Section 1461 of the Probate Code, relating to the appointment of guardians for insane or incompetent persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 2.35 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Senate Bill No. 693—An act to amend Section 27 of the Storm Water District Act of 1909, relating to storm water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Tenney, Ward, and Williams—30.

NOES—Senator Coombs—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1092—An act to add Section 14.3 to the County Water District Act and Section 31006 to the Water Code, relating to county water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Ward, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1049—An act to amend Section 1143 of the Probate Code, relating to payment of expenses by public administrator.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen,

Johnson, Keating, Kraft, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Breed Presiding

At 2.46 p.m., Senator Arthur H. Breed, of the Sixteenth District, presiding.

Senate Bill No. 1051—An act to add Section 1148.5 to the Probate Code, relating to estates of two hundred dollars (\$200) or less.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Keating, Kraft, McBride, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Tenney, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Coombs asked for, and was granted, unanimous consent to take up Senate Bill No. 617, at this time, for the purpose of amendment.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 617—An act to amend Section 27122 of the Streets and Highways Code, relating to bridge and highway districts, and the number of directors thereof.

Bill read second time.

Motion to Amend

Senator Coombs moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 13, of the printed bill, strike out “, five directors, or”.

Amendment No. 2

On page 1, line 16, of said bill, strike out “, whichever is greater”.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 246

Senator Dorsey moved that Senate Bill No. 246 be withdrawn from Committee on Local Government for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 246—An act to add Sections 25643 and 25644 to the Government Code, relating to the powers of boards of supervisors of each county to give fire protection.

Bill read second time.

Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 25643 and 25644", and insert "Section 25643".

Amendment No. 2

On page 1 of said bill, strike out lines 3 to 28, inclusive, and strike out all of page 2, and insert

"25643. The board of supervisors in any county which provides county funds for structural fire protection of areas in the county in incorporated or unincorporated territory shall have the power and discretion at the time of levying county taxes for support of said function, to except from the levy of any tax for said purpose all property within the limits of an incorporated city in said county, upon application by the city and after hearing by the board of supervisors thereon, for which hearing two weeks prior notice shall be given by posting of notice thereof in three public places in said county. In the exercise of said power the board of supervisors shall consider the extent and quality of fire protection given by the city within its limits and by the county in the suburban area of said city, what benefit in fire protection, if any, is received by the city from the structural fire protection given by the county to surrounding unincorporated areas and all other surrounding circumstances appearing relevant to the subject by said board."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 769

Senator Cunningham moved that Senate Bill No. 769 be withdrawn from Committee on Local Government for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 769—An act to amend Section 50080 of the Government Code, relating to the organization, government, and powers of counties, cities, and other agencies.

Bill read second time.

Motion to Amend

Senator Cunningham moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 50080", and insert "Sections 50023, 50024, and 53679".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 6, inclusive, and insert

"SECTION 1. Section 50023 of the Government Code is amended to read:

50023. The legislative body of a local agency, directly or through a representative, may attend the legislature and congress, and any committees thereof, and present information to aid the passage of legislation which the legislative body deems beneficial to the local agency or to prevent the passage of legislation which the legislative body deems detrimental to the local agency. The cost and expense incident *thereto* [to such attendance and presentation] are proper charges against the local agency.

SEC. 2. Section 50024 of the Government Code is amended to read:

50024. The legislative bodies of local agencies may enter into associations and through a representative of the associations attend the Legislature and Congress, and any committees thereof, and present information to aid the passage of legislation

which the association deems beneficial to the local agencies in the association, or to prevent the passage of legislation which the association deems detrimental to the local agencies in the association. The cost and expense incident *thereto* [to such attendance and presentation] are proper charges against the local agencies comprising the association.

SEC. 3. Section 53679 of said code is amended to read:

53679. So far as possible all money belonging to a local agency under the control of any of its officers or employees other than the treasurer and all money coming into the possession of a justice of the peace or officer of the justice's court shall be deposited as active deposits in the state or national bank in this State selected by the officer, employee, or justice of the peace. Such money is subject to this article except:

(a) Security is not required for deposits pursuant to this section which are insured under any federal law.

(b) Interest is not required on money deposited by a justice of the peace or officer of a justice's court.

(c) Interest is not required on money deposited by an officer having control of a revolving fund created pursuant to Chapter 2, Division 3, Title 3.

(d) Interest is not required on money deposited by an officer having control of a special fund established pursuant to Articles 5 or 6, Chapter 2, Division 3, Title 3."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 2108

Senator Parkman moved that Assembly Bill No. 2108 be withdrawn from Committee on Revenue and Taxation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 2108—An act to amend Section 10278 of, and to add Section 9781 to, the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

Bill read second time.

Motion to Amend

Senator Parkman moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended in Senate on April 15, 1949, strike out "Section 9781", and insert "Sections 9781 and 10253.5".

Amendment No. 2

On page 1 of said bill, after line 20, insert

"SEC. 3. Section 10253.5 is hereby added to the Revenue and Taxation Code, to read:

10253.5. Interest shall be allowed on any overpayment of tax at the rate of one-half of 1 percent per month from the twentieth day of the month following the month or reporting period for which the overpayment was made; but no refund or credit shall be made of any interest imposed upon the operator with respect to the amount being refunded or credited and interest shall not be allowed with respect to the credits or refunds provided by Sections 9654 and 10254.

The interest shall be paid or credited:

(a) In the case of a refund, to the twentieth day of the calendar month following the date upon which the claimant, if he has not already filed a claim, is notified by the board that a claim may be filed or the date on which the refund is certified to the State Board of Control, whichever date is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax against which the credit is applied.

If the board determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon.

SEC. 4. The provisions of this act adding Section 10253.5 to the Revenue and Taxation Code, relating to the allowance of interest, shall be applicable to overpayments of tax for any month or reporting period prior to the effective date of this act; provided, however, that notwithstanding the provisions of that section interest shall be allowed only from October 20, 1949."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 78

Assembly Concurrent Resolution No. 79

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Concurrent Resolution No. 78—Relative to approving certain amendments to the charter of the City of Fresno, in the County of Fresno, State of California, voted for and ratified by the electors of the city at a special election held therein on the eleventh day of April, 1949.

Request for Unanimous Consent

Senator Burns asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 78, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 78

Assembly Concurrent Resolution No. 78—Relative to approving certain amendments to the charter of the City of Fresno, in the County of Fresno, State of California, voted for and ratified by the electors of the city at a special election held therein on the eleventh day of April, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Kraft, McBride, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Tenney, Ward, and Williams—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 79—Relative to approving amendments to the charter of the City of Pacific Grove, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the eleventh day of April, 1949.

Request for Unanimous Consent

Senator Burns asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 79, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 79

Assembly Concurrent Resolution No. 79—Relative to approving amendments to the charter of the City of Pacific Grove, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the eleventh day of April, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Cunningham, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1950—An act relating to the State Allocation Board and providing for the allocation by said board of public funds appropriated for allocation to local agencies for public works projects and incidental expenses, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Mayo.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Cunningham, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Sutton, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 429—An act to add Section 3370 to the Civil Code, relating to injunctive relief in connection with an act of unfair competition as defined in the Unfair Practices Act.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Burns, Desmond, Dillinger, Gibson, Jespersen, Keating, Kraft, McBride, O'Gara, Parkman, Swing, and Ward—12.

NOES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Johnson, Mayo, Powers, Regan, Salsman, Sutton, Tenney, Watson, and Williams—22.

Motion to Reconsider

Senator Ward moved to reconsider the vote whereby Assembly Bill No. 429 was refused passage.

Postponement of Reconsideration

On motion of Senator Ward, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 429 was refused passage, was continued until the next legislative day.

Assembly Bill No. 424—An act to amend Section 4702 of the Labor Code, relating to death benefits.

Bill read third time, and presented by Senator O'Gara.

The roll was called; and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Johnson, Keating, Mayo, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 507—An act to amend Section 395.1 of the Military and Veterans Code, relating to reemployment rights of persons who leave or have left employment to join the armed forces.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Johnson, Keating, Mayo, O'Gara, Parkman, Powers, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 868—An act to amend Sections 1261 and 1262 of the Military and Veterans Code, relating to veterans' affairs.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Johnson, Keating, Mayo, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Assembly Bill No. 503—An act to amend Section 985 of the Military and Veterans Code, relating to veterans' farm and home purchases.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Mayo, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 506—An act to add Section 984 to Article 3, Chapter 6, Division 4 of the Military and Veterans Code, relating to farm and home purchases.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Mayo, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 4.10 p.m., Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Assembly Bill No. 1501—An act to add Section 2144.5 to the Business and Professions Code, relating to persons and acts exempted from the State Medical Practice Act, Chapter 5 of Division 2 of the Business and Professions Code.

Bill read third time, and presented by Senator Burns.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 377—An act to add Section 13001.2 to the Education Code, relating to the confirmation of prior employment of certificated employees of school districts, and the conditions therefor.

Bill read third time, and presented by Senator O'Gara.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Mayo, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2374—An act to amend Section 13836 of the Education Code, relating to the payment of salaries of certificated employees.

Bill read third time, and presented by Senator O'Gara.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Mayo, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 651—An act to add Section 18707 to the Education Code, relating to the sale of materials by school districts to pupils.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse,

Johnson, Keating, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 652—An act to amend Section 11671 of the Education Code, relating to textbooks for pupils in classes for adults.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Johnson, Keating, Kraft, Mayo, McBride, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—29.

NOES—Senator Hulse—1.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1619

Senator Desmond moved that Senate Bill No. 1619 be withdrawn from Committee on Public Utilities for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1619—An act to amend Sections 2 $\frac{3}{4}$, 50 $\frac{3}{4}$, and 57 $\frac{1}{2}$, of the Public Utilities Act, Sections 1, 2, 3, 5, 7, 8, 10, 12, 14, 14 $\frac{3}{4}$, 15, and 20 $\frac{1}{4}$ of, and to add Sections 3 $\frac{1}{2}$, 3 $\frac{3}{4}$, and 8 $\frac{1}{4}$ to, the Highway Carriers Act, all relating to the use of public highways for commercial purposes and the powers and duties of the Public Utilities Commission in respect thereto.

Bill read second time.

Motion to Amend

Senator Desmond moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "3 $\frac{1}{2}$, and 8 $\frac{1}{4}$ ", and insert "8 $\frac{1}{4}$ and 10 $\frac{1}{2}$ ".

Amendment No. 2

On page 2 of said bill, strike out lines 31 to 33, inclusive, and insert

"Nothing in this subsection shall be construed to include the services performed in the transportation for compensation of fresh or dried unprocessed agricultural products, and livestock, or containers for such agricultural products, to farms, auction yards or other points of delivery, for feeding, packing, shipping, loading, concentrating, storing or processing purposes, or the services performed in the return movement to the same or nearby points of production of containers, machinery, parts or supplies incidental or necessary to the harvesting or movement of fresh or dried unprocessed agricultural products and livestock. The Legislature hereby finds that this exclusion is made necessary by the seasonal and noncompetitive nature of such services and the infinite variety of crop, weather, field and road conditions under which such transportation services are customarily performed."

Amendment No. 3

On page 3, line 45, of said bill, strike out "right", and insert "rights".

Amendment No. 4

On page 4, line 4, of said bill, strike out "any", and insert "another".

Amendment No. 5

On page 6 of said bill, between lines 21 and 22, insert

"(6) Any highway carrier to the extent that it performs services in the transportation for compensation of fresh or dried unprocessed agricultural products, and

livestock, or containers for such agricultural products, to farms, auction yards or other points of delivery, for feeding, packing, shipping, loading, concentrating, storing or processing purposes, or the services performed in the return movement to the same or nearly points of production of containers, machinery, parts or supplies incidental or necessary to the harvesting or movement of fresh or dried unprocessed agricultural products and livestock. The Legislature hereby finds that this exclusion is made necessary by the seasonal and noncompetitive nature of such services and the infinite variety of crop, weather, field and road conditions under which such transportation services are customarily performed."

Amendment No. 6

On page 6 of said bill, strike out lines 33 to 36, inclusive.

Amendment No. 7

On page 6 of said bill, strike out lines 42 to 44, inclusive, and insert "generally and does not include a highway common carrier or an irregular route highway common carrier."

Amendment No. 8

On page 7 of said bill, strike out lines 25 to 35, inclusive, and insert

"Before a permit is issued hereafter the commission shall require that applicant establish ability and financial responsibility. The commission shall have power, with or without hearing, to issue said permit as prayed for, or to refuse to issue the same. If it be found that the applicant possesses the required ability and financial responsibility to perform the operations proposed, a permit shall be issued as prayed for. The commission may attach to said permit such terms and conditions as, in its judgment, are required to assure protection to the shippers utilizing such operations. Highway contract carrier permits issued on".

Amendment No. 9

On page 7, line 41, of said bill, strike out "Initial", and strike out lines 42 to 45, inclusive.

Amendment No. 10

On page 8, line 34, of said bill, strike out "and until".

Amendment No. 11

On page 8, line 35, of said bill, after "mission", insert "within fifteen days after commencement of transportation thereunder".

Amendment No. 12

On page 8, line 41, of said bill, strike out "the transported", and insert "be transported".

Amendment No. 13

On page 8 of said bill, strike out lines 49 to 52, inclusive, and on page 9, strike out lines 1 to 8, inclusive.

Amendment No. 14

On page 11 of said bill, between lines 3 and 4, insert

"SEC. 13.5. Section 10½ is added to the Highway Carriers Act, to read:

Sec. 10½. Notwithstanding any other provisions contained in this act, the Railroad Commission may establish or approve just, reasonable and nondiscriminatory minimum rates for the transportation of market milk, as defined in Article 2, Section 476 of the Agricultural Code, and the returning of empty containers, whenever the Director of Agriculture finds, and transmits his findings to the Railroad Commission, that in order to effectuate the purpose of the Agricultural Code such minimum rates are necessary."

Amendment No. 15

On page 8, line 41, of said bill, strike out "contract," and insert "contract and".

Amendment No. 16

On page 8 of said bill, strike out lines 42 and 43, and insert "made thereunder. Should it appear".

Amendment No. 17

On page 4 of said bill, strike out lines 29 to 40, inclusive, and insert "forth the existence of such a continuous permit. The commission shall upon such application, with or without hearing, issue to such applicant a certificate of public convenience and necessity authorizing operation as an irregular route common carrier co-extensive with operations authorized under said permit. Pending action by the commission upon such application operations co-extensive with operations authorized under said permit may be continued after December 31, 1949, subject to the provision of the Highway Carriers' Act, as amended.

The commission may attach to said certificate such terms and conditions as, in its judgment, are required to assure protection of shippers utilizing such operations."

Amendment No. 18

On page 7 of said bill, strike out lines 50 to 52, inclusive, and on page 8, strike out lines 1 to 10, inclusive, and insert "carrier permit, setting forth the existence of such a continuous permit, the commission shall upon such application, with or without hearing, issue to such applicant a highway contract carrier permit authorizing operations co-extensive with operations authorized under such previous permit. The commission may attach to said permit such terms and conditions as, in its judgment, are required to assure protection to shippers utilizing such operations. Pending action by the commission upon such petition operations co-extensive with operations authorized under such previous permit may be continued after December 31, 1949, subject to the provisions of this act."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Utilities.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 937

Senator Kraft moved that Senate Bill No. 937 be withdrawn from Committee on Finance, and referred to Committee on Social Welfare.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Burns moved that Senate Bill No. 583 be taken from the inactive file and placed on the second reading file.

Motion carried.

Request for Unanimous Consent

Senator Burns asked for, and was granted, unanimous consent to take up Senate Bill No. 583, at this time, for the purpose of amendment.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 583—An act to amend Section 28105 of the Government Code, relating to compensation for public services in counties of the fifth class.

Bill read second time.

Motion to Amend

Senator Burns moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 18, of the printed bill, strike out "or an ex officio road commissioner".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Busch moved that Senate Bill No. 1053 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Keating moved that Assembly Concurrent Resolution No. 56 be taken from the inactive file and placed on the third reading file.

Motion carried.

RESOLUTIONS

The following resolution was offered :

By Senator O'Gara :

Senate Resolution No. 97

Relating to a proclamation designating September 17, 1949, as Steuben Day

WHEREAS, It is desired to commemorate the achievements of General Frederick Wilhelm von Steuben, who on December 1, 1777, entered this Country to offer his skill and valor in aid of our Country's struggle for independence against a mighty empire; and

WHEREAS, General von Steuben, born on September 17, 1730, did join our Army at Valley Forge under the command of General Washington at a time when our forces were sorely tried and our struggle seemed destined for defeat; and

WHEREAS, General von Steuben as the first Inspector-General of the new republic did reorganize our Army and instill in our soldiers the training and discipline which enabled them to defeat the veteran forces of our mighty adversary; and

WHEREAS, He distinguished himself by his courage and skill at the crucial battles of Monmouth and Yorktown, where he received the first offer of surrender from Lord Cornwallis; and

WHEREAS, General von Steuben initiated the promulgation of the regulations for drill, order and discipline of the troops of the United States, adopted by Congress on March 29, 1779, which served as a foundation for the subsequent development of our Army; and was also instrumental in the establishment of the United States Military Academy at West Point which since its creation has provided the leaders for our armies; and

WHEREAS, The services of General von Steuben were aptly described as "Indispensable to the cause of American Independence" by the inscription on the monument in his honor at Steuben State Park in Remsen, New York; now, therefore, be it

Resolved by the Senate of the State of California, That the Governor of the State of California is hereby respectfully requested to issue a proclamation designating the anniversary of the birth of General von Steuben, September 17, 1949, as "Steuben Day" and calling on the citizens of this State to display our National Emblem as a fitting commemoration to one of the architects of our victorious struggle for independence and urging the citizens of this State to observe the day of commemoration with appropriate exercises throughout the State; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Honorable Earl Warren, Governor of the State of California.

Resolution read, and on motion of Senator O'Gara, adopted.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Finance, to which were referred:

Senate Bill No. 856

Assembly Bill No. 267

Senate Bill No. 857

Assembly Bill No. 1364

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1466

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

MCBRIDE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Senate Bill No. 605
Senate Bill No. 1444

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 5; absent 4.

MCBRIDE, Chairman

Above reported bills ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which were referred:

Assembly Bill No. 873	Assembly Bill No. 938
Assembly Bill No. 934	Assembly Bill No. 1268
Assembly Bill No. 935	Assembly Bill No. 1497
Assembly Bill No. 937	Assembly Bill No. 1709

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

HATFIELD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which were referred:

Assembly Bill No. 41
Assembly Bill No. 1296

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

HATFIELD, Chairman

Above reported bills ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred:

Assembly Bill No. 713

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 437	Assembly Bill No. 250
Assembly Bill No. 247	Assembly Bill No. 1634

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Assembly Bill No. 239

Assembly Bill No. 1788

Assembly Bill No. 378

Assembly Bill No. 2982

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Assembly Bill No. 1870

Assembly Bill No. 470

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 26, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which was referred:

Senate Bill No. 1029

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

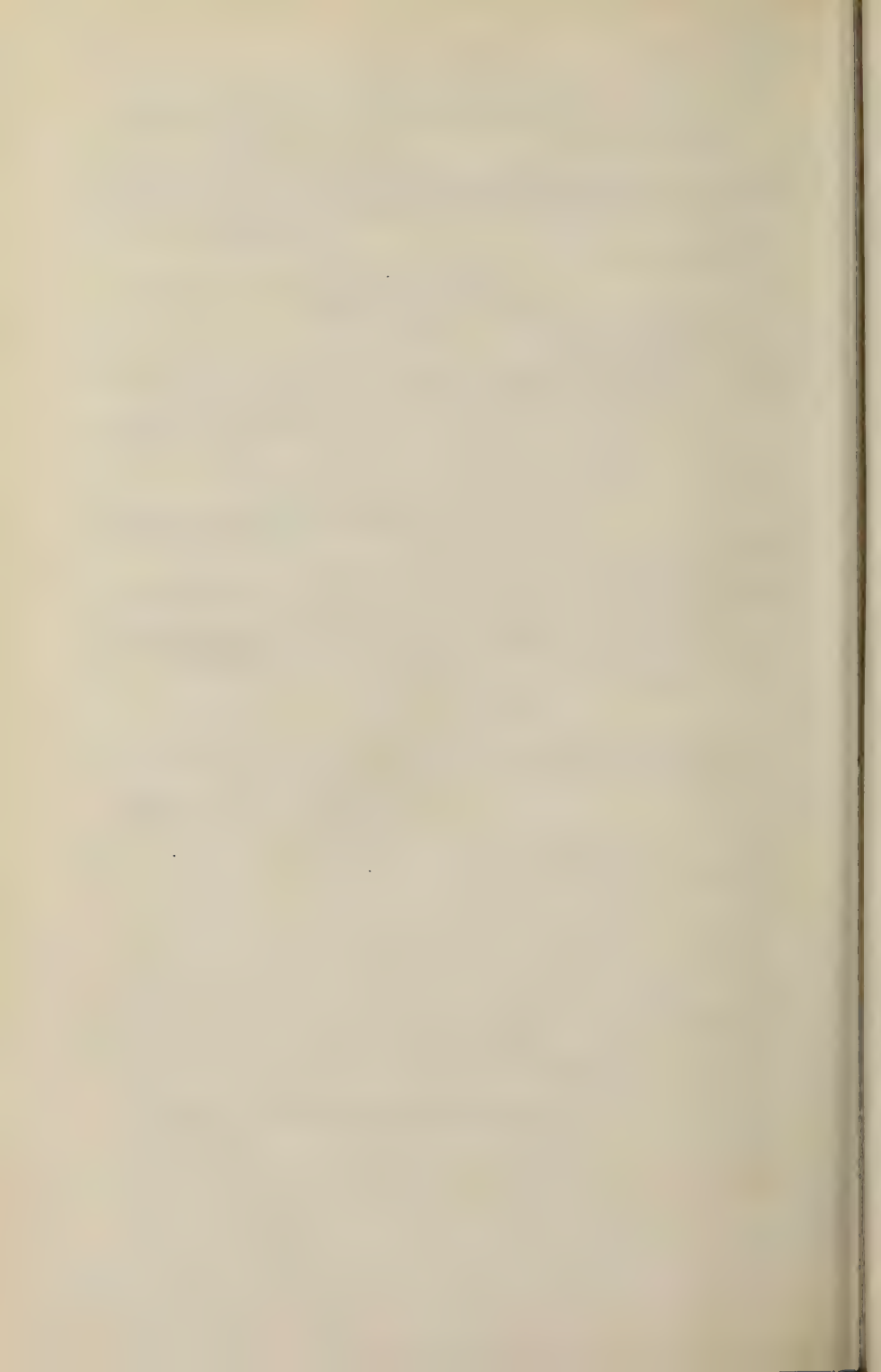
BREED, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 4.35 p.m., on motion of Senator Keating, the President declared the Senate adjourned until 1.30 p.m., Thursday, May 12, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTIETH LEGISLATIVE DAY
ONE HUNDRED THIRTIETH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, May 12, 1949

The Senate met at 1.30 p.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Chief Assistant Secretary Cleve V. Taylor at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Ward, Watson, and Williams—35.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:
Senator Cunningham, on motion of Senator Collier, due to legislative business.

Senator Sutton, on motion of Senator Collier, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Hatfield, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. J. Carpenter, Advisor; Mrs. Ruby Campodomico, and the following students of the Livingston High School of Livingston: Charlene Conger, Carol Bauernschmidt, Joe Bauernschmidt, Richard Picton, Bill Pickle, Bert Stinson, Elinor Campodomico, Gloria Nash, Shirley Nunes, Ed Sugars, Marilyn

Barnes, Dorace Belyeu, Joan Salman, David Hamagucki, Norman Passadori, Joan Felty, Dan Wilkinson, Joe Silveria, Naomi Galloway, John Hall, Jimmie Fox.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Byron Lampson and Janice Lee Lampson of Geyserville.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Herbert E. Paul, Commander of American Legion Post at Modesto and L. D. DeForest, of Modesto.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James E. Busch, District Attorney of Ukiah.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney and Mrs. Charles J. McGoldrick of Petaluma.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. William Eston Weinrick Lent of Oakland.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Catherine Everett and Mrs. Goldie Carey of Modesto.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Roy H. Baxley of Porterville.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bessie Casperson, Vice President, Northern California Federation of Women's Democratic Study Clubs, and the following members: Marie Murphy, Daisy Trimble, Heneretta Hartman, Estelle Bartelle, Mrs. Jones, Jessie Cullmen, Mary Braune, Ailene H. Remington, Jean Foote, Lenora Jennings, and Gertrude Hamilton.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Ben Franklin, Chico State College of Chico, William Burleson and Charles Alexander of Chico.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mildred Brandon, James C. Reisinger, Dr. and Mrs. G. B. Henno of San Francisco.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Beckwith of San Francisco, Mrs. Louise Harrison of Sacramento, Mrs. Charles Lowe of San Francisco, Mrs. Jessie Cullivan of Sacramento, Mrs. Olive Phillips, Mrs. J. A. Ryan, Mrs. Mary V. Anderson, Mrs. Mollie Minudri, Mrs. Jean Henno, and Mrs. Helen Charkarian, all of San Francisco.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Kathryn Gehrels, Vice Chairman, Northern Women's Legislative Committee, and Mrs. Charles B. Porter, Co-Chairman, Fourth Congressional District of San Francisco.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. John Holcomb of Oakland, Mrs. A. Schabarum of Berkeley, Mrs. Claudia Fumwalt of Hayward, Mrs. Mable Marguis, Mrs. Lillian McBarron, Mrs. William B. Chaplin of Hayward, and Mrs. Lucille Jones of Oakland.

RECESS

At 1.44 p.m., on motion of Senator Regan, the Senate recessed to allow Senator Regan to introduce to the Senate Mr. Travis Anderson of the Department of Interior, Bureau of Mines, Experimental Station of Redding, who presented the Senate a stainless steel plate as a memento of the trip to Shasta Dam.

REASSEMBLED

At 1.46 p.m., the Senate reconvened.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 53

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 155

Assembly Bill No. 2674

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 81

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 81—Relative to I Am an American Week.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 298

Senate Bill No. 617

Senate Bill No. 325

Senate Bill No. 1618

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 11, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 68
Senate Bill No. 307
Senate Bill No. 615
Senate Bill No. 619
Senate Bill No. 626
Senate Bill No. 662

Senate Bill No. 670
Senate Bill No. 717
Senate Bill No. 1177
Senate Bill No. 1251
Senate Bill No. 1252
Senate Bill No. 1302

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 583

And reports the same correctly re-engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 352—An act to amend Section 13 of, and to add Section 13.2 to, the Construction and Employment Act, relating to projects for which the county allocation thereunder is available, and declaring the urgency thereof, to take effect immediately;

Senate Bill No. 755—An act to amend Sections 37103, 37426, 38102, 38742, 43069, and 43671 of the Government Code, relating to the organization, government, and powers of cities;

Senate Bill No. 800—An act to add Section 162 to the Business and Professions Code, and to repeal Section 7080.1 of said code, relating to certificates of certain officers of boards within the Department of Professional and Vocational Standards;

Senate Bill No. 1135—An act to amend Section 802 of the Agricultural Code, relating to the maturity of grapes, declaring the urgency of this act, to take effect immediately;

Senate Bill No. 1327—An act to amend Section 1094.5 of the Code of Civil Procedure, relating to the review of administrative orders or decisions;

And reports that the same have been correctly enrolled, and presented to the Governor on the twelfth day of May, 1949, at 10 a.m.

POWERS, Chairman

Committee on Labor

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Labor, to which were referred:

Assembly Bill No. 996
Assembly Bill No. 2073

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 5; absent 2.

JUDAH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Assembly Bill No. 160

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 7; committee vote: Ayes 5; absent 2.

JUDAH, Chairman

Above reported bill ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Elections, to which was referred:

Assembly Bill No. 2858

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 2; absent 2.

JOHNSON, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Elections, to which was referred:

Assembly Bill No. 1456

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

JOHNSON, Vice Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred:

Assembly Bill No. 1874

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

REGAN, Vice Chairman

Above reported bill ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Senator Collier:

Senate Resolution No. 98Relative to an investigation concerning a regulatory dam at Iron Gate
on the Klamath River

WHEREAS, The Klamath River area was created by nature as a recreational area of great scenic beauty and affords unsurpassed facilities for sporting fishing and other healthful recreation; and

WHEREAS, The operation of Copco dam in the upper reaches of the Klamath River results in a wide fluctuation of the flow throughout almost all of the length of the stream depending upon the time of the day or night at which water is released from said dam; and

WHEREAS, The release of waters from said dam causes the water to rise rapidly below the dam and presents a serious hazard to fishermen fishing in the stream or from bars in the stream and a considerable number of drownings have resulted therefrom; and

WHEREAS, There are a number of other undesirable conditions which could be corrected by a regulatory dam below Copco dam to stabilize the flow in the portions of the river below such regulatory dam; and

WHEREAS, The elimination of recurring high water and low water would widen the area for the production of bottom fish food which takes place only in areas always covered by water, would prevent the stranding of fish and roving fish food organisms, would provide additional areas for salmon spawning grounds, and would eliminate a real danger to fishermen in the stream; and

WHEREAS, The State has embarked upon a wildlife conservation and recreation program of great magnitude and as a part of said program due consideration should be given to the recreational and wildlife values that would be created or preserved by the stabilization of the flow of the Klamath River; and

WHEREAS, The feasibility of a regulatory dam at Iron Gate on the Klamath River and the advantages of such a dam are matters upon which this Senate needs to be informed in order that it may act advisedly in the premises; and

WHEREAS, The Wildlife Conservation Board and the Fish and Game Commission have data and information and facilities for obtaining such further facts and information as may be necessary; now, therefore, be it

Resolved by the Senate of the State of California. That the Wildlife Conservation Board and the Fish and Game Commission are hereby requested to investigate all facts and matters relating to the construction of such a regulatory dam as is hereinabove referred to, including the probable cost thereof and the advantages to be derived therefrom, and to render a report of such investigation to the Senate not later than June 6, 1949.

Resolution read, and on motion of Senator Collier, adopted.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 126—An act to add Section 639 to the Agricultural Code, relating to milk products.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, strike out line 6, and insert "It shall be made from cream which contains not more than 150,000 bacteria per milliliter with or without added".

Amendment No. 2

On page 1 of said bill, in line 9, strike out " , shall be pasteurized,".

Amendment No. 3

On page 1 of said bill, after line 16, add
"Milk and milk products used in the manufacture of dessert topping shall be pasteurized."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 477—An act to add Article 4 to Chapter 7 of Division 5 of the Agricultural Code, relating to hazardous materials for use in agricultural operations.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 2 of the printed bill, as amended May 9, 1949, following line 6, insert
"The foregoing provisions of Article 4, Chapter 7 of Division 5 of the Agricultural Code shall be in force and effect until ninety-one (91) days after the termination of the 1953 Session of the State Legislature."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 69—An act to repeal Section 661 of, and to amend Sections 660, 662, and 665 of, the Agricultural Code, relating to milk manufacturing plants, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal Section 661 of, and to amend Sections 660, 662," and insert "amend Section 707.5 of".

Amendment No. 2

In the title of said bill, strike out lines 2 and 3, and insert "the Agricultural Code, relating to penalties for delinquent licensee fees under the Milk and Milk Products Act of 1947."

Amendment No. 3

On page 1, line 1, of said bill, strike out "661", and insert "707.5".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 4

On page 1 of said bill, strike out lines 2 to 26, inclusive, and insert "amended to read:

707.5. A penalty of 50 percent [of the amount of the fee] shall accrue and be added to *any portion* of the fee for renewal of any license required by any provision of the Milk and Milk Products Act of 1947 [, if application for renewal, accompanied by the proper fee, is not made] *which is not paid* within thirty days after expiration of the pre-existing license.

To the amount of any fee, other than a license fee, required under the provisions of the Milk and Milk Products Act of 1947, *which is not paid within thirty days from the date* [unpaid] when due, there shall accrue and be added a penalty of 25 percent of the *unpaid* amount of such fee for each month or fraction thereof until the *entire* fee and penalty [is] are paid."

Amendment No. 5

On page 2 of said bill, strike out lines 1 to 40, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 438—An act to add Chapter 6a to Division 6 of the Agricultural Code to provide for protection of producers from losses sustained by reason of insolvency of processors, commission merchants, or produce dealers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 4, line 6, of the printed bill, strike out "1275", and insert "1277".

Amendment No. 2

On page 4, line 29, of said bill, strike out "term "Farm Products Insurance Fund" and the".

Amendment No. 3

On page 4, line 34, of said bill, strike out "or to pay the administrative expenses of the fund."

Amendment No. 4

On page 4, line 50, of said bill, strike out "1276", and insert "1278".

Amendment No. 5

On page 5 of said bill, strike out lines 7 to 12, inclusive, and insert "1278.1. All fees collected by the director pursuant to this chapter shall be paid into the State Treasury and shall be credited to the Department of Agriculture Fund, and expended in carrying out the provisions of this chapter."

Amendment No. 6

On page 5, line 13, of said bill, strike out "1276.2", and insert "1278.2".

Amendment No. 7

On page 5, line 21, of said bill, strike out "1276.3", and insert "1278.3".

Amendment No. 8

On page 5, line 26, of said bill, strike out "1277", and insert "1279".

Amendment No. 9

On page 5, line 28, of said bill, strike out "1277.1", and insert "1279.1".

Amendment No. 10

On page 5, line 33, of said bill, strike out "1277.2", and insert "1279.2".

Amendment No. 11

On page 5, line 36, of said bill, strike out "1277.3", and insert "1279.3".

Amendment No. 12

On page 5, line 51, of said bill, strike out "1277.4", and insert "1279.4".

Amendment No. 13

On page 6, line 7, of said bill, strike out "1277.5", and insert "1279.5".

Amendment No. 14

On page 6 of said bill, strike out lines 18 and 19, and insert "1279.6. Expenses of administering this chapter shall be paid from the funds collected under the provisions of Chapters 6 and 9 of Division 6 of this code."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 1625—An act to amend Section 120 of the Agricultural Code, relating to the sale of nursery stock.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 2 of the printed bill, strike out line 27 and insert "Persons who sell seeds and packaged inspected bulbs or either of them, and who".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 366—An act to amend Section 205.5 of the Agricultural Code, relating to animal diseases.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 856—An act to amend Section 737eee of the Political Code, relating to the salary of superior judges in and for the County of Yolo.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 857—An act making an appropriation to the emergency fund specified in Item 278 of the Budget Act of 1949, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 605—An act to amend Sections 11493, 11505, and 11508 of, and to add Sections 11511, and 11515 to the Insurance Code, relating to nonprofit hospital service corporations and plans.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 19, of the printed bill, as amended in the Senate on May 4, 1949, strike out "amounts paid to the hospital by him", and insert ", but without requiring that he first pay, expenses incurred".

Amendment No. 2

On page 1 of said bill, as amended, strike out lines 21 to 22, inclusive, and insert "(c) reimbursement of the beneficiary or subscriber for, but without requiring that he first pay, the costs and expenses incurred for professional medical services".

Amendment No. 3

On page 2 of said bill, as amended, strike out "the payment for", on line 2, and strike out lines 3 and 4, and insert "reimbursement of the beneficiary or subscriber for, but without requiring that he first pay, the costs and expenses incurred for professional medical services."

Amendment No. 4

On page 2, line 29, of said bill, as amended, after the word "subscribers", insert "has been filed with the commissioner".

Amendment No. 5

On page 2, line 34, of said bill, as amended, after the word "in", and before the article "the", insert "profit to, or in".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 1444—An act to amend Sections 10202 and 10210 of the Insurance Code, relating to group life insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out the word "amend", and insert "add".

Amendment No. 2

In line 1 of the title of said bill, strike out "Sections 10202 and 10210 of", and insert "Section 10202.8 to, and to amend Sections 10203.4, 10204, 10270.5, and 10270.6 of,".

Amendment No. 3

In line 2 of the title of said bill, strike out "insurance", and insert "and disability insurance".

Amendment No. 4

On page 1 of said bill, strike out lines 2 to 29, inclusive, and insert

"SECTION 1. Section 10202.8 is added to the Insurance Code, to read:

10202.8. A group life policy conforming to all of the following conditions may be issued to the trustees of a fund established by two or more employers in the same industry or by one or more labor unions, or by one or more employers and one or more labor unions to insure employees of the employers or members of the unions for the benefit of persons other than the employers of the unions:

(a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include retired employees, and the individual proprietor or partners if an employer is an individual proprietor or a partnership. No director of a corporate employer shall be

eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

(b) The premium for the policy shall be paid by the trustees wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both. No policy may be issued on which any part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance. The policy must insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy must cover at date of issue at least 100 persons and not less than an average of five persons per employer unit; and if the fund is established by the members of an association of employers the policy may be issued only if (i) either (a) the participating employers constitute at date of issue at least 60 percent of those employer members whose employees are not already covered for group life insurance or (b) the total number of persons covered at date of issue exceeds six hundred; and (ii) the policy shall not require that, if a participating employer discontinues membership in the association, the insurance of his employees shall cease solely by reason of such discontinuance.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection by the insured persons or by the trustees, employers or unions. No policy may be issued which provides term insurance on any person which together with any other term insurance under any group life insurance policy or policies issued to the employers, or any of them, or to the trustees of a fund established in whole or in part by the employers, or any of them, exceeds \$20,000.

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 5

On page 2 of said bill, strike out lines 1 to 15, inclusive, and insert

"SEC. 2. Section 10203.4 of the Insurance Code is amended to read:

10203.4. Insurance under any group life insurance policy issued pursuant to Sections 10202, 10202.7, [and] 10203 and 10203.8 may, if 75 percent of the insured employees elect, be extended to insure the dependents, or any class or classes thereof, of each insured employee who so elects, in amounts in accordance with some plan which precludes individual selection and which shall not be in excess of 50 percent of the insurance on the life of such insured employee or the amount shown in the schedule below, whichever is less.

SEC. 3. Section 10204 of the Insurance Code is amended to read:

10204. For the purpose of this chapter, the term "employer" includes the association or union designated by Section 20203, and the institution, vendor, credit union, or creditor designated by Sections 10203.5 and 10203.6, and the trustees designated by Section 10203.8, and the term "employee" includes the members of such union, credit union or association and the debtors of or purchasers from such institution, credit union, vendor or creditor [...] and the employees and members referred to in Section 10203.8.

SEC. 4. Section 10270.5 of the Insurance Code is amended to read:

10270.5. Group disability insurance is that form of disability insurance conforming to all of the following conditions:

(a) Written under a master policy,

(1) Issued either to the Federal or State Government, or to any federal or state agency, political subdivision or district, or to any public, governmental, or municipal corporation, or to any unit, agency, or department thereof, or to any corporation, copartnership or individual employer, or to the trustee of any association of employers, offering insurance to all the employees of any such employer or of the employer members of such association or to all of any class or classes thereof determined by conditions pertaining to employment and covering not less than ten such employees or such employees together with their dependents or spouses for amounts of insurance based upon some plan which will preclude individual selection by the employee as to the amount of his insurance coverage thereunder; or

(2) Issued to a principal eligible to have issued to him a policy of group life insurance under the provisions of Section 10203.7 and insuring not less than ten agents as defined in that section and eligible thereunder to be insured [...] ; or

(3) Issued to any association having a constitution and by-laws and formed in good faith for purposes other than that of obtaining insurance offering insurance to all the members of such association and covering not less than ten such members or such members together with their dependents or spouses and not less than 50 percent

of all eligible members for amounts of insurance based upon some plan which will preclude individual selection by the member as to the amount of his insurance coverage thereunder. Any such master policy shall by its terms require the premium to be paid to the insurer either by means of pay roll deductions or periodically by some designated person acting on behalf of the association insured; [and under which] or

(4) Issued to any trustees eligible to have issued to them a policy of group life insurance under the provisions of Section 10203.8 and insuring not less than ten employees or members eligible thereunder to be insured or such employees or members together with their dependents or spouses; and under which

(b) For delivery to each person insured thereunder, other than dependents or spouses of an insured employee or person, there is issued to the holder of the master policy by the insurer an individual certificate setting forth the benefits and the exceptions under, and referring to, the master policy under which the certificate is issued.

Such certificates are not subject to the provisions of this chapter relating to the master policy, but the forms thereof shall be submitted to the commissioner for his approval and shall not be issued without such approval of such forms in the manner provided in the case of the master policy.

SEC. 5. Section 10270.6 of the Insurance Code is amended to read:

10270.6. Every group disability master policy shall contain the following provisions:

(a) A provision that the policy, the application of the employer, or executive officer or trustee of any association [,] or trustees and the individual applications, if any, of the employees or members insured shall constitute the entire contract between the parties, and that all statements made by the employer, or the executive officer or trustee [,] or trustees, or by the individual employees or members shall, in the absence of fraud, be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the policy, unless it is contained in a written application;

(b) A provision that the insurer will issue to the employer or to the executive officer or trustee of the association or to the trustees for delivery to the employee or member who is insured under such policy, an individual certificate setting forth a statement as to the insurance protection to which he is entitled and to whom payable;

(c) A provision that to the group or class thereof originally insured shall be added from time to time all new employees of the employer, or members of the association, eligible to and applying for insurance in such group or class;

(d) A statement that such policy is not in lieu of and does not affect any requirement for coverage by workmen's compensation insurance."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 437—An act to amend Section 11611 of the Business and Professions Code, relating to streets and easements in real estate subdivisions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1029—An act to amend Sections 32004 and 32100 of the Health and Safety Code, and to add Sections 32100.1, 32100.5, 32100.6, 32100.7 to said code, relating to local hospital districts, and declaring the urgency of this act, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 3, line 40, of the printed bill, strike out "remaining members of the board of directors", and insert "board of supervisors of the county".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1053—An act to amend Sections 14.2, 15, 15.1, 15.2, 15.3, 18, and 19.6 and to repeal Sections 16, 16.1, and 16.2 of the

Fish and Game Code, relating to the powers of the Fish and Game Commission.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 919—An act to amend Sections 1064 and 1071.2 of, and to add Section 1064.2 to, the Agricultural Code, relating to economic poisons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1018—An act to amend Section 762.5 of, and to add Section 768 to, the Agricultural Code, relating to the inspection of tomatoes delivered for canning and tomato inspection certificates.

Bill read second time, and ordered to third reading.

Assembly Bill No. 3103—An act to amend Section 810.5 of the Agricultural Code, relating to asparagus.

Bill read second time, and ordered to third reading.

Assembly Bill No. 441—An act to amend Section 829.3 of the Agricultural Code, relating to standard packs for cantaloupes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1651—An act to repeal the act known as Chapter 807, Statutes of 1937, entitled "An act to regulate the distribution of moneys received from the United States Government under the provisions of the act of Congress of June 28, 1934, known as the Taylor Grazing Act and any act amendatory thereof."

Bill read second time, and ordered to third reading.

Assembly Bill No. 2249—An act to amend Section 1272 of the Agricultural Code, relating to report of sale by commission merchant, remittances, retention of records, payment by dealer, claims or credits.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1568—An act to amend Sections 1261, 1262, 1263, 1265, and 1266 of the Agricultural Code, relating to produce dealers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1565—An act to amend Section 360.5 of the Agricultural Code, relating to penalties for delinquencies in obtaining slaughterer's license.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1567—An act to amend Sections 339.1, 339.3, and 339.4 of the Agricultural Code, relating to brand fees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2193—An act to amend Section 6 of an act entitled "An act to authorize the Department of Finance to acquire surplus housing facilities for resale to farmers, making an appropriation therefor and declaring the urgency thereof, to take effect immediately,"

approved July 10, 1947 (Chapter 1352, Statutes of 1947), relating to the expiration date thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2968—An act to amend Sections 380.54 and 380.55 of the Agricultural Code, relating to the slaughter and inspection of horses and burros.

Bill read second time, and ordered to third reading.

Assembly Bill No. 267—An act to amend Sections 944 and 945 of the Military and Veterans Code, relating to the burial of veterans and veterans' widows.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1364—An act making an appropriation in augmentation of the appropriation in Item 341 of the Budget Act of 1948, for educational assistance to veterans, Department of Veterans' Affairs, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1466—An act to repeal Chapters 952 and 953 of the Statutes of 1939, relating to the regulation of loans and lenders.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1 of the printed bill as amended in Assembly April 27, 1949, after line 3, insert

"SEC. 2. It is the intent of this act that the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939, and the California Small Loan Act, as enacted by Chapter 1045 of the Statutes of 1939, together with subsequent amendments to said acts, shall remain in full force and effect, as constituting the later expression of legislative intent on the matters contained therein. If Chapters 952 and 953 are ever construed as having superseded Chapters 1044 and 1045, respectively, as being a later expression of legislative intent, then the repeal of those chapters by this act shall be inoperative and of no effect."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 873—An act to amend Sections 651, 659, 660, 663, 666.5, and 667 of the Fish and Game Code, relating to salmon.

Bill read second time, and ordered to third reading.

Assembly Bill No. 934—An act to amend Section 427 of the Fish and Game Code, relating to hunting licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 935—An act to amend Section 407 of the Fish and Game Code, relating to licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 937—An act to amend Section 428 of the Fish and Game Code, relating to fishing licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1285—As yet to amend Section 430 of the Fish and Game Code, relating to fishing licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1288—As yet to amend Section 1106 of the Fish and Game Code, relating to registration of boats.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1497—As yet to add Section 171 to the Fish and Game Code, relating to game refuge.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1736—As yet to amend Section 1278 of the Fish and Game Code, relating to deer tags, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2—As yet to amend Section 7001 of the Fish and Game Code, relating to sealions, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 4 of the second bill, as amended in Senate May 6, 1949, strike out "and" and insert "and."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1296—As yet to add Section 621.3 to the Fish and Game Code, relating to raising fish for use as bait.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 14 of the second bill, strike out "Toms" and insert "Salt trout."

Amendment No. 2

On page 1, line 15 of said bill, strike out "Toms" and insert "Salt trout."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 247—As yet to amend Section 24120 of the Government Code, relating to compensation for public services in connection of the county fair show.

Bill read second time, and ordered to third reading.

Assembly Bill No. 250—As yet to amend Section 11324 of the Government Code, relating to retirement of county employees, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1634—An act to amend Section 26743 of the Government Code, relating to sheriffs' fees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 239—An act to require that consideration be given to airport needs of a community when zoning ordinances are proposed, and declaring such ordinances ineffective when such consideration is not given.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, lines 8 and 9, of the printed bill, as amended in Assembly March 18, 1949, strike out "without requiring a permit,".

Amendment No. 2

On page 1, line 18, of said bill, strike out "in the", and insert "published in an adjoining".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 378—An act to add Sections 14402.1, 14444.1, 14450.6, 14480.6, 14480.7, 14480.8, and 14525.1 to, and to amend Sections 14401, 14406, 14450.5, 14451, and 14510 of, the Health and Safety Code, relating to county fire protection districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Assembly on April 1, 1949, strike out "14402.1,".

Amendment No. 2

In line 3 of the title of said bill, strike out "14401,".

Amendment No. 3

On page 1 of said bill, strike out lines 1 to 24, inclusive, and on page 2 strike out lines 1 to 15, inclusive, and insert

"SECTION 1. Section 14406 of the Health and Safety Code is amended to".

Amendment No. 4

On page 2, line 26, of said bill, strike out "SEC. 5", and insert "SEC. 2".

Amendment No. 5

On page 2, line 32, of said bill, strike out "SEC. 6", and insert "SEC. 3".

Amendment No. 6

On page 2, line 46, of said bill, strike out "SEC. 7", and insert "SEC. 4".

Amendment No. 7

On page 3, line 10, of said bill, strike out "SEC. 8", and insert "SEC. 5".

Amendment No. 8

On page 3, line 42, of said bill, strike out "SEC. 9", and insert "SEC. 6".

Amendment No. 9

On page 4, line 1, of said bill, strike out "SEC. 10", and insert "SEC. 7".

Amendment No. 10

On page 4, line 7, of said bill, strike out "SEC. 11", and insert "SEC. 8".

Amendment No. 11

On page 4, line 16, of said bill, strike out "SEC. 12", and insert "SEC. 9".

Amendment No. 12

On page 4, line 23, of said bill, strike out "SEC. 13", and insert "SEC. 10".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1788—An act to amend Section 861 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to cities and towns of the sixth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 4 of the title of the printed bill, before "relating", insert "and to amend Section 36934 of, and to add Section 36936.1 to, the Government Code,".

Amendment No. 2

On page 1, line 12, of said bill, after "present", and before the period, insert a semicolon and the following "provided, however, an urgency ordinance shall be read in full".

Amendment No. 3

On page 1, line 24, of said bill, after "resolution", and before the period, insert "provided, however, that where the tax rate is fixed by resolution, such resolution shall be published in the same manner and within the same time as ordinances are required to be published".

Amendment No. 4

On page 2 of said bill, after line 15, insert

"SEC. 2. Section 36934 of the Government Code is amended to read:

36934. Ordinances, *other than an urgency ordinance*, where ordinances are required by law, and resolutions granting franchises shall not be passed within five days of their introduction, nor at other than a regular meeting. Except when further reading is waived by regular motion adopted by unanimous vote *of the councilmen present* after the reading of the title, such ordinances or resolutions shall be read in full; *provided, however, that an urgency ordinance shall be read in full*. When such ordinances or resolutions are altered after introduction, they shall be passed only at a regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

SEC. 3. Section 36936.1 is added to the Government Code, to read:

36936.1. The rates of taxes to be levied may be fixed either by ordinance or resolution. *Where the tax rate is fixed by resolution, such resolution shall be published in the same manner and within the same time as ordinances are required to be published.*

SEC. 4. Sections 2 and 3 of this act become operative only if Title 4 of the Government Code is enacted by the Legislature at its 1949 Regular Session, and in such case at the same time as said Title 4 takes effect; at which time Section 1 of this act is repealed."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2982—An act to add Article 14, comprising Sections 14594 to 14599, inclusive, to Chapter 2 of Part 3 of Division 12 of the Health and Safety Code, relating to the powers of the governing board of a county fire protection district.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 2, line 1, of the printed bill, strike out "district, or", and insert "county, and".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1870—An act to amend Section 3480 of the Political Code, relating to reclamation districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Assembly April 8, 1949, strike out "Section", and insert "Sections 3466a and".

Amendment No. 2

On page 1 of said bill, as amended, strike out lines 1 and 2, and insert

"SECTION 1. Section 3466a of the Political Code is amended to read:

3466a. Sale or lease of unredeemed land. After the lapse of one year from and after the expiration of the period of redemption of any land sold to the district, or county treasurer as trustee for the district, either pursuant to the provisions of Sections 3466, 3480 or Section 3480a of this code, the county treasurer of the main county, when and as directed by the board of trustees of the district, may in their discretion then sell the whole or any part of any tract of land remaining unsold to the highest bidder for cash at the front door of the courthouse of the main county of the district after giving previous notice of such sale, and the time and place of holding the same, by publication thereof in some newspaper published in the county in which the land to be sold or some portion thereof is situated for two times, to wit: once a week for two successive weeks. It shall be sufficient to describe said land in said notice by reference number as set forth in the assessment lists to which reference shall be made in said notice, and to the date and time of filing same, for further particulars. In the event of a sale of a part of any tract of land remaining unsold then the assessment or assessments thereon shall be reapportioned as provided in Sections 3454 and 3460 of the Political Code.

Conduct of sale: Effect of deed. The trustees of the district shall have the right to reject any and all bids and no bid shall be accepted for an amount less than such price as shall be approved by them. No parcel shall be sold for an amount less than the fair market value thereof as such value shall be ascertained by the board of trustees. One or more parcels of such land may be included in the same notice and sold severally at the time and place set forth in said notice. Upon such last mentioned sale being made as herein provided the said county treasurer shall execute a deed to the purchaser conveying the land sold, upon payment of the price bid, which deed shall have the effect of conveying title to the land sold to the purchaser free of encumbrance, except district assessments (including the unpaid balance of said assessment for the delinquency of which said property was sold) which upon the date of the sale herein provided had not been called, and except as may be otherwise provided by law, and such deed duly executed and acknowledged shall be prima facie evidence that all the proceedings for the levy and collection of the delinquent assessment for which said land was sold, and all of the proceedings for the sale of said land have been duly and regularly taken, and all notices required to be given or published have been so duly given and published for the time and manner as required by law.

Rights of district after default: Leases. Where any land has been sold for a delinquent assessment, pursuant to the provisions of Sections 3466, 3480 or 3480a of the Political Code for a delinquent assessment or installment of the same and no redemption has been made and the time for redemption has expired, the district shall have the right to the possession of the land so sold and unredeemed and the board of trustees shall have the right to bring and maintain any and all actions in equity or law in connection with said land and the protection of the district's rights therein to the same extent as any other owner; and the costs and expenses of such action or actions shall be a charge against the district. The board of trustees shall also have the right to expend funds of the district in such amounts that may from time to

time be necessary for the purpose of retiring any and all liens against such land superior to the title of the county treasurer therein.

The trustees of the district shall have the management and control of, and right to lease out to a tenant or tenants for such reasonable rental and upon such terms as such trustees may deem advisable, any and all lands in the district which have been sold to the county treasurer, as trustee, for delinquent assessments, where the time for redemption has expired and said lands remain unsold and to receive and collect the rental for the same.

Out of said rentals the trustees shall annually pay to the county treasurer of the county in which the land is situated, in lieu of taxes, such sum of money as the county assessor shall determine annually on or before November 1st, as will equal the taxes that would have been assessed and levied for that year if the land were in private ownership.

Disposition of rents. All rentals collected or moneys received by the trustees of the district from such lease of land or for the use or occupation of such land may be applied by them to the payment of the incidental expenses of holding and leasing said lands and to the payment of any other incidental expenses of, or legal charge against the district or for the purpose of purchasing any outstanding bonds of the district matured or unmatured together with the coupons thereunto appertaining at not more than the face value of such bonds plus the accrued interest thereon; which said bonds and/or coupons when so purchased shall be forthwith delivered to the county treasurer and canceled, and to the payment of any call of any maintenance assessment on any tract of land theretofore bought in by county treasurer as trustee of the district for a delinquent installment of any assessment theretofore levied on any such tract of land and then remaining unsold by said county treasurer; provided, however, that after the period of redemption has expired all rentals collected or moneys received from lease of land sold to the county treasurer as trustee of the district pursuant to the provisions of Section 3480 or 3480a of this code or for the use or occupation of such land, less the incidental expenses of leasing or holding the same and less the amount required to pay any called or delinquent installment of any maintenance assessment on any tract of land which has been theretofore bought in by the said county treasurer for the payment of any delinquent installment of any assessment theretofore levied on any such tract of land, and then remaining unsold by such county treasurer, shall, in the event said district shall be in default for the interest or principal payments on any of said bonds issued by said district, be deposited in said county treasury of the main county, to the credit of the bond fund of the district. An amount equal to the revenues derived from each tract by reason of the leasing, use or occupation thereof, less the incidental expenses of leasing and holding same, shall be credited by the county treasurer on the assessment lists against the delinquent charges on said tract.

Application of section. The provisions hereof shall apply to all lands heretofore sold for delinquency to a district or to the county treasurer, as trustee as well as to future sales under assessments whether heretofore, or hereafter to be, levied.

SEC. 2. Section 3480 of said code is amended to read:

The present provisions of Assembly Bill No. 1870 as amended April 8

SEC. 3. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it will have passed this act, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Assembly Bill No. 470—An act to add Sections 4007.5 and 4007.7 to the Penal Code, relating to unfit, unsanitary, and overcrowded county jails.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In lines 2 and 3 of the title of the printed bill, as amended in Assembly April 15, 1949, strike out "unfit, unsanitary, and overcrowded".

Amendment No. 2

On page 1 of said bill, strike out line 3, and insert

"4007.5. When a county jail becomes unfit or unsafe for the confinement of prisoners to the extent that the health and safety of the prisoners confined is jeopardized seriously, or when prisoners are not confined separately in accordance with Section 4001 of this code, or when prisoners are not provided with the necessary food, clothing, and bedding in accordance with Section 4015 of this code, the Board of Corrections shall file immediately a written notice of the existing unfit and unsafe jail conditions with the sheriff and board of supervisors of the county. The Board of Corrections shall also file a complaint for action which shall be brought by the Attorney General or the district attorney of the county in the superior court for abatement of the county jail for confinement of prisoners until the deficiencies specified in the complaint are corrected or removed.

When a county jail is so abated, the judge of the superior court shall issue a written order filed with the county clerk transferring the sentenced prisoners therein confined to any county jail within the State meeting the minimum standards prescribed by law. Prior to the issuance of such order, the judge shall obtain from the sheriff and board of supervisors of the county designated a statement of their willingness and ability to receive the prisoners who are to be transferred from the abated jail."

Amendment No. 3

On page 1 of said bill, strike out lines 4 to 14, inclusive.

Amendment No. 4

On page 2, line 10, of said bill, after "counties", strike out the period and insert " , based upon the current per capita operating costs of the receiving jail."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senator Salsman Presiding

At 1.56 p.m., Senator Byrl R. Salsman, Vice Chairman of the Committee on Rules, presiding.

MOTION REGARDING INTRODUCTION OF GUESTS

Senator Mayo moved that no member of the Senate be allowed to interrupt the Order of Business for the purpose of introducing guests except in the case of a class of school children. The names of guests may be sent to the desk and inserted in the Journal.

Motion to Amend

Senator Breed moved that the motion by Senator Mayo be amended to read that the introduction of guests other than as provided for in the Senate Order of Business that the names of the guests be handed to the Presiding Officer of the Senate for introduction at his discretion.

Motion to Refer to Committee on Rules

Senator Swing moved that the motion by Senator Mayo and the amendment to the motion by Senator Breed be referred to the Committee on Rules for further study and recommendation.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS****Consideration of Assembly Amendments**

Senate Bill No. 674—An act to provide for the expansion of publicly supported higher education and to repeal an act entitled "An act establishing a four-year institution of higher education in the City of Sacramento, County of Sacramento," approved July 1, 1947 (Chapter 1017 of the Statutes of 1947), and an act entitled "An act making an appropriation for the establishment, equipment and maintenance of a

four-year state institution of higher education at Sacramento," approved July 10, 1947 (Chapter 1349 of the Statutes of 1947), all relating to the system of publicly supported higher education.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 674?

Amendment No. 1

On page 1, line 9, of the printed bill, as amended in the Senate on March 28, 1949, after "Education", strike out "and the governing"; and strike out lines 10, 11, 12, 13, 14, and 15, and insert "is directed to enter into an agreement for the use of the physical facilities at the Sacramento Junior College, necessary for the conduct and maintenance of the Sacramento State College, with the governing board of the Sacramento Unified School District until such time as the college can be housed on the campus provided for it by the State."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 674 by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Jespersen, Johnson, Keating, Kraft, Mayo, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Above bill ordered enrolled.

MOTIONS TO RECONSIDER

Assembly Bill No. 429—An act to add Section 3370 to the Civil Code, relating to injunctive relief in connection with an act of unfair competition as defined in the Unfair Practices Act.

Motion to Set Special Order of Business

Senator Ward moved that his motion to reconsider the vote whereby Assembly Bill No. 429 was refused passage be made a special order of business for Tuesday, May 17, 1949 at 2.30 p.m.

The roll was called, and the motion carried by the following vote:

AYES—Senators Breed, Brown, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, O'Gara, Parkman, Powers, Rich, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

THIRD READING OF SENATE BILLS

Senate Bill No. 191—An act to amend Sections 5911, 5931, 5932, 7003, and 7791.5, to add Sections 5911.5, 7103.5, 7208.5, and 7208.7 and Article 1.5, consisting of Sections 7031 to 7038, inclusive, to Chapter 1 of Division 9, all of the Elections Code, relating to elections, including provisions relating to ballots and absent voting.

Bill read third time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill as amended in Senate April 19, 1949, strike out "5911, 5931,".

Amendment No. 2

In line 3 of the title of said bill, after "5911.5," insert "5931.1".

Amendment No. 3

On page 2 of said bill, strike out lines 18 to 52, inclusive, and on page 3, strike out lines 1 to 11, inclusive.

Amendment No. 4

On page 3 of said bill, strike out line 12, and insert
"SECTION 1. Section 5911.5 is added to the Elections Code, to read:".

Amendment No. 5

On page 3, line 15, of said bill, strike out "an affidavit", and insert "a declaration".

Amendment No. 6

On page 3, line 22, of said bill, strike out "deposes and says", and insert "declares".

Amendment No. 7

On page 3, line 26, of said bill, after "Code.", insert "I declare under the penalty of perjury that the above declarations are to the best of my knowledge and belief true and correct."

Amendment No. 8

On page 3, line 32, of said bill, strike out "and sworn".

Amendment No. 9

On page 3, line 33, of said bill, after "certify", insert "under penalty of perjury".

Amendment No. 10

On page 3, line 34, of said bill, strike out "affiant", and insert "declarant".

Amendment No. 11

On page 3, line 35, of said bill, strike out "affidavit and I acknowledge the", and insert "declaration and I witnessed his signature thereto".

Amendment No. 12

On page 3, line 36, of said bill, strike out "same all".

Amendment No. 13

On page 3, line 38, of said bill, strike out "Official's signature", and insert "Signature of witness".

Amendment No. 14

On page 3, line 40, of said bill, strike out "Title of officer", and insert "Address of witness".

Amendment No. 15

On page 3, line 42, of said bill, strike out "taking your affidavit", and insert "witnessing your declaration".

Amendment No. 16

On page 3 of said bill, after line 52, insert

"Any person making the declaration provided for in this section who wilfully states as true any material matter which he knows to be false is punishable by imprisonment in the state prison for not less than one nor more than fourteen years."

Amendment No. 17

On page 4 of said bill, strike out lines 1 to 24, inclusive, and insert

"Sec. 2. Section 5931.1 is added to said code, to read:

5931.1. If the absent voter resides in a county having a population of 14,000 or less according to the 1940 census, he shall vote as provided in Section 5931 except that after receiving the envelope containing his ballot from the officer or person who has written or stamped his name across the seal he shall dispose of it in accordance with the instructions contained on said identification envelope."

Amendment No. 18

On page 4, line 25, of said bill, strike out "4", and insert "3".

Amendment No. 19

On page 6, line 12, of said bill, strike out "5", and insert "4".

Amendment No. 20

On page 6, line 20, of said bill, strike out "6", and insert "5".

Amendment No. 21

On page 7, line 12, of said bill, strike out "7", and insert "6".

Amendment No. 22

On page 7, line 21, of said bill, strike out "8", and insert "7".

Amendment No. 23

On page 7, line 25, of said bill, strike out "9", and insert "8".

Amendment No. 24

On page 7, line 32, of said bill, strike out "10", and insert "9".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 626—An act to amend Sections 507, 2203, and 2207 of, and to add Section 507.1 to, the Public Resources Code, relating to the administration and functions of the Division of Mines.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Collier, Coombs, Crittenden, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, O'Gara, Parkman, Powers, Regan, Rich, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 662—An act to amend Sections 6303 and 6897 of the Public Resources Code, relating to state lands and providing for the extraction or removal of minerals, other than oil and gas, and of other material therefrom.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Powers, Regan, Rich, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1618—An act to amend Sections 6301, 6357, 6502, 6813, 6815, 6827, 6834, 6836, 6871, and 6874, to add Section 6501.1 and to amend the title of Article 3 of Chapter 4, Part 1, Division 6 of the Public Resources Code, relating to lands owned by the State, including tidelands and submerged lands, beds of navigable rivers and lakes, lands held in proprietary or sovereign capacity, and other lands, providing for the administration, management, leasing, and disposition thereof, and of the oil and gas and other mineral deposits within or upon such lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 325—An act to amend Section 8961.3 of the Health and Safety Code, relating to the powers of public cemetery districts.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Burns, Collier, Coombs, Crittenden, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Powers, Regan, Rich, Salsman, Swing, Tenney, and Watson—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 717—An act to amend Sections 2205 and 2206 of the Health and Safety Code, relating to the organization and powers of mosquito abatement districts.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, and Watson—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1252—An act to amend Sections 3, 4, and 5 of the Sanitation and Sewer Revenue Bond Act of 1941, relating to sanitation and sewer revenue-producing enterprises.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, and Watson—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 307—An act to amend Section 619 of the Vehicle Code, relating to headlamps on motor vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Powers, Regan, Salsman, Swing, Tenney, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 617—An act to amend Section 27122 of the Streets and Highways Code, relating to bridge and highway districts, and the number of directors thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, and Watson—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1302—An act to amend Sections 208 and 378 of the Vehicle Code, relating to expiration of special plates and when fees become delinquent.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Busch, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 68—An act to amend Section 660 of the Vehicle Code, relating to the sale of used vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Busch, Coombs, Crittenden, Dillinger, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 583—An act to amend Section 28105 of the Government Code, relating to compensation for public services in counties of the fifth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Busch, Collier, Coombs, Crittenden, Desmond, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Parkman:

Senate Resolution No. 99

Relative to the Hollywood Race Track

WHEREAS, It has come to the attention of the Senate Interim Committee on Horse Racing that the Hollywood Race Track operated by the Hollywood Turf Club was totally destroyed by fire on the third day of May, 1949, making it impossible to conduct any racing meeting during the summer at that track; and

WHEREAS, The Hollywood Turf Club was scheduled to open their summer racing meeting on May 17, 1949, for a period of 45 days and five days for charity and arranged to conduct their summer meeting at Hollywood Race Track until the same was destroyed by fire; and

WHEREAS, The State of California will lose six or seven million dollars in revenue and three or four thousand people will be unemployed if said Hollywood Turf Club is unable to conduct its scheduled summer racing meeting; and

WHEREAS, It appears to the Senate Interim Committee on Horse Racing that the best interests of the State of California be served if the scheduled allotted days in Los Angeles County to the Hollywood Turf Club be fulfilled, in order to avoid loss of revenue to the State, revenue to the Hollywood Turf Club and to provide against unemployment of more than four thousand people and loss of pay roll amounting to more than four million dollars; now therefore be it

Resolved, That the California Horse Racing Board be requested to do all within its power to aid and facilitate and make possible the holding of the summer meeting allotted to the Hollywood Turf Club for the year 1949; that they render all assistance and do all within their power to prevent the loss of any revenue to the State of California, or any unemployment.

Resolution read, and on motion of Senator Parkman, unanimously adopted.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 670—An act to amend Section 2472 of the Civil Code and Section 15700 of the Corporations Code, relating to service of process on foreign partnerships, and specifying the duties of the Secretary of State in connection therewith.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Desmond, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Salsman, Swing, Tenney, Watson, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Senate Bill No. 298—An act to add Article 10 to Chapter 4, Division 3, of the Business and Professions Code, relating to loyalty of attorneys.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, as amended May 11, 1949, strike out lines 15 to 35, inclusive.

Amendment read.

Roll Call Demanded

Senators Tenney, Donnelly, and Kraft demanded a roll call.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Brown, Busch, Collier, Coombs, Crittenden, Dillinger, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, O'Gara, Parkman, Salsman, and Ward—19.

NOES—Senators Abshire, Breed, Burns, Desmond, Donnelly, Dorsey, Hatfield, Hulse, Kraft, Powers, Regan, Rich, Swing, Tenney, Watson, and Williams—16.

Motion to Re-refer Senate Bill No. 298

Senator Tenney moved that Senate Bill No. 298 be re-referred to Committee on Judiciary.

Motion carried.

Motion to Withdraw Senate Bill No. 298 From Committee

Senator Tenney moved that Senate Bill No. 298 be withdrawn from Committee on Judiciary and placed on third reading file.

Motion carried.

Motion to Reconsider

Senator Tenney moved to reconsider the vote whereby the amendments by Senator Salsman to Senate Bill No. 298 were adopted.

Postponement of Reconsideration

On motion of Senator Tenney, the further consideration of the motion to reconsider the vote whereby the amendments by Senator Salsman to Senate Bill No. 298 were adopted, was continued until the next legislative day.

UNFINISHED BUSINESS (RESUMED)**Consideration of Assembly Amendments**

Senate Bill No. 653—An act to add Sections 16006 and 16007 to the Education Code, relating to the admission of pupils to school.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 653?

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate on March 28, 1949, strike out "Section 16006", and insert "Sections 16006 and 16007".

Amendment No. 2

On page 1 of said bill, after line 11, insert

"SEC. 2. Section 16007 is added to said code, to read:

16007. Anything in Section 16006 to the contrary notwithstanding, governing boards of school districts having an average daily attendance of 60,000 or more pupils shall admit a child to the kindergarten or first grade of the school district upon presentation of such proof of age of the child as shall be prescribed by the governing board of the district."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 653 by the following vote:

AYES—Senators Abshire, Brown, Busch, Crittenden, Desmond, Dillinger, Donnelly, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Rich, Salsman, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1381—An act to amend Sections 16461, 16462, and 16463 of the Education Code, relating to the supervision of the health of public school pupils by county superintendents of schools.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Desmond, Donnelly, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 685—An act to amend Section 7873 of the Revenue and Taxation Code, relating to the motor vehicle fuel license tax.

Bill read third time, and presented by Senator Collier.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Desmond, Donnelly, Drobish, Hatfield, Hulse, Johnson, Keating, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 686—An act to amend Section 10100 of the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

Bill read third time, and presented by Senator Collier.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Desmond, Donnelly, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 578—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds of public bodies, declaring the urgency of this act, to take effect immediately.

Bill read third time, and presented by Senator Regan.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Brown, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Watson, and Williams—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1028—An act to add Section 4025 to the Penal Code and to repeal Section 25360 of the Government Code, relating to the management of county and city detention facilities.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1196—An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to the taxation of property.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1672—An act to amend Sections 2 and 3 of an act entitled "An act relating to the determination of the wartime population of cities or cities and counties for purposes of allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therein, and declaring the urgency thereof," approved May 18, 1943, relating to the allocation of moneys from the State Highway Fund and from the Motor Vehicle License Fee Fund for expenditures therefrom.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Powers, Regan, Salsman, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 929—An act to amend Section 28136 of the Government Code, relating to compensation for public services in counties of the thirty-sixth class.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1460—An act to repeal Section 252.1 of the Fish and Game Code, relating to and defining the boundaries of the Mendota Pool Game Refuge and public shooting ground.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 44—An act to amend Section 788 of the Fish and Game Code, relating to crabs.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 883—An act to add Section 977 to the Fish and Game Code, relating to skates, rays, and sharks.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 884—An act to amend Section 974 of the Fish and Game Code, relating to sand crabs and shrimps.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 885—An act to add Section 869 to the Fish and Game Code, relating to bait nets.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Dillinger, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1461—An act to amend Section 169 of the Fish and Game Code, relating to the Mendota Pool Game Refuge and defining the boundaries of Mendota Pool.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill as amended in Assembly April 7, 1949, strike out lines 13 to 22, inclusive, and insert

"Game Refuge: The area confined within the 1948-49 high-water mark of the body of water known as Mendota Pool (Fresno Slough) south of Whites Bridge in Fresno County, California, and the area surrounding and outside such high-water mark to a distance of one mile."

Amendment read, and adopted.

Further Amendments to Assembly Bill No. 1461

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the amended bill, strike out "169", and insert "202".

Amendment No. 2

In line 2 of the title of said bill, strike out "Game", and insert "Waterfowl".

Amendment No. 3

In line 3 of the title of said bill, strike out "of Mendota Pool", and insert "thereof".

Amendment No. 4

On page 1, line 1, of said bill, strike out "169", and insert "202".

Amendment No. 5

On page 1, line 12, of said bill, strike out "169", and insert "202".

Amendment No. 6

On page 1 of said bill, strike out lines 23 to 25, inclusive.

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2075—An act to amend Section 875.5 of the Fish and Game Code, relating to nets.

Bill read third time, and presented by Senator Regan.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1923—An act to add Section 10180 to the Insurance Code, relating to group life and disability insurance.

Motion to Re-refer Assembly Bill No. 1923

Senator O'Gara moved that Assembly Bill No. 1923 be re-referred to Committee on Financial Institutions.

Motion carried.

Assembly Bill No. 1979—An act to amend Section 4828 of the Business and Professions Code, relating to license to practice veterinary medicine, declaring the urgency of this act, to take effect immediately.

Bill read third time, and presented by Senator Desmond.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, and Williams—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Swing, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Assembly Bill No. 18—An act to amend Sections 985, 986.3, 986.5, 986.6, and 986.9 and to repeal Section 986.4 of the Military and Veterans Code, relating to farm and home purchases for veterans.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1991—An act to amend Section 526 of the Agricultural Code, relating to milk products plants.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 923—An act to amend Section 18.1 of the Agricultural Producers Marketing Act, relating to amendments to marketing programs and declaring the urgency of this act, to take effect immediately.

Bill read third time, and presented by Senator Hatfield.

Urgency Clause

Urgency clause read, and adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, Watson, and Williams—28.

NOES—None.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1569—An act to amend Sections 1300.13, 1300.16, and 1300.28 of the Agricultural Code, relating to marketing agreements and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Hatfield.

Urgency Clause

Urgency clause read, and adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, Watson, and Williams—27.

NOES—None.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1576—An act relating to the application for, acceptance and use of, funds or assets of the California Rural Rehabilitation Corporation from the trustee thereof.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1578—An act to amend Section 788 of, and to add Section 829.8 to, the Agricultural Code, relating to standard containers for fruits and vegetables.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Salsman, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Rules Committee has appointed Senator Desmond to serve as a member of the Committee on Education, to take the place of the late Senator Michael J. Burns.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Rules Committee has appointed Senator Brown to serve as a member of the Committee on Public Health and Safety, to take the place of the late Senator Michael J. Burns.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Rules Committee has appointed Senator Busch to serve as a member of the Committee on Transportation, to take the place of the late Senator Michael J. Burns.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Rules Committee has appointed Senator Parkman to serve as a member of the Committee on Natural Resources, to take the place of the late Senator Michael J. Burns.

POWERS, Chairman

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1624

Senator Hatfield moved that Senate Bill No. 1624 be withdrawn from Committee on Public Utilities for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1624—An act to amend Section 42 of, and to add Sections 2 $\frac{1}{2}$, 50 $\frac{3}{4}$, and 84 $\frac{1}{2}$, to the Public Utilities Act, relating to public utilities, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

In lines 2 and 3 of the title of the printed bill, strike out “, declaring the urgency thereof, to take effect immediately”.

Amendment No. 2

On page 1, line 11, of said bill, after “thereof,” insert “and other than a person or corporation operating exclusively, aircraft having a maximum approved gross take-off weight of ten thousand pounds or less,”.

Amendment No. 3

On page 2, line 9, of said bill, strike out “driver”, and insert “airman”.

Amendment No. 4

On page 2, line 17, of said bill, strike out “common carriage”, and insert “carriage by aircraft”.

Amendment No. 5

On page 3 of said bill, strike out lines 47, 48, and 49, and on page 4, strike out lines 1 to 13, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Utilities.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 329

Senator McBride moved that Senate Bill No. 329 be withdrawn from Committee on Business and Professions for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 329—An act to add Chapter 12, comprising Sections 4950.01 to 4950.48, inclusive, to Division 2 of the Business and Professions Code, relating to the practice of naturopathy.

Bill read second time.

Motion to Amend

Senator McBride moved the adoption of the following amendments:

Amendment No. 1

On page 5, line 37, of the printed bill, after “chapter.”, strike out balance of line 37 and lines 38 to 41, inclusive.

Amendment No. 2

On page 12 of said bill, strike out lines 44 to 50, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

REQUEST FOR UNANIMOUS CONSENT

Senator O'Gara asked for, and was granted, unanimous consent to have the following analysis of the Federal Housing Act of 1949 by the Legislative Counsel, printed in the Journal:

OPINION OF THE LEGISLATIVE COUNSEL

COPY

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, May 5, 1949

Hon. Gerald J. O'Gara
Senate Chamber

Analysis of the Federal Housing Act of 1949 as proposed by
S. 1070—No. 6394

DEAR SENATOR O'GARA: You have requested an analysis of the Federal Housing Act of 1949 as proposed by S. 1070, recently passed by the United States Senate.

Analysis

This act provides for federal aid in the form of loans and contributions to assist slum-clearance projects and low-rent public housing projects initiated by local agencies, and provides for financial assistance by the Secretary of Agriculture for farm housing, and for other purposes.

In preparing this analysis we have followed the organization of the act. Thus, we have divided the analysis into three main parts: (1) Slum clearance and community development and redevelopment; (2) low rent housing; and, (3) farm housing.

**I. SLUM CLEARANCE AND COMMUNITY DEVELOPMENT
AND REDEVELOPMENT**

Under Title 1 of the act the Housing and Home Finance Administrator is authorized to make loans and grants to local public agencies for the purpose of assisting local communities in eliminating slum and blighted areas and in developing new areas for residential purposes. Local public agencies as defined in this act include states, cities, or any governmental entity or public body which is authorized to undertake the project for which assistance is sought. These loans and grants are limited to financing the cost of the acquisition of the land, the renewal of the buildings thereon, the construction of streets and installation of utility services, and the preparation of the land, but not for the purpose of the actual construction of the new housing.

A. Loans

Loans can be made to local public agencies if such loans are to be used for the assembly, clearance, preparation, and sale and lease of land for redevelopment purposes. Note that such loans cannot be made for the purpose of actual construction of new housing.

These loans are matching loans in that they cannot exceed the expenditures to be made by the local public agency. The term of such loans cannot exceed forty years.

In order to finance these loans the administrator is authorized to issue notes and obligations in an amount not to exceed 25 million dollars after July 1, 1949, 225 million on July 1, 1959, and by further amounts of 250 million each, on July 1, 1951, 1952, and 1953. The President is authorized to increase the total amount by 250 million so long as a total limit of one billion is not exceeded.

B. Capital Grants

The administrator is authorized to make grants to local public agencies to make land in project areas available for the uses specified in the redevelopment plans. Grants cannot be made with respect to a project which consists of open unplatted urban or suburban land. It will be noted that this qualification does not apply to loans.

As to any single local agency the aggregate grants under this part of the act cannot exceed two-thirds of the net cost of the project. The net cost of the project is defined as the total costs with respect to all undertakings necessary to carry out the project (not including the costs of actual construction of new housing) and the amounts of local grants-in-aid to the agency by the State, municipality or other entity other than in cash, less the total sales price of all lands sold and the total capital value of all land leased by the agency.

As to any one project the grant cannot exceed the difference between the net project cost and local grants-in-aid actually made for that project.

To finance these grants the administrator is authorized to contract for such grants in an amount not to exceed 100 million after July 1, 1949. This amount is increased 100 million dollars on July 1 in each of the years 1950, 1951, 1952, and 1953, respectively. The President is authorized to increase the total by an amount not to exceed 100 million dollars. The total amount cannot exceed 500 million dollars.

Capital grants cannot be made to finance any project unless the local grants-in-aid from the state, municipality or other public entity or body for all the projects of such local agency equal one-third of the aggregate net project costs involved for such projects.

C. Local Determinations

Certain general requirements are specified for any contract of financial aid to these local agencies.

The redevelopment plan must be approved by the governing body of the locality in which the project is situated and findings must be made by that body stating that financial aid is necessary and that the plan fits into some general plan for the redevelopment of the locality as a whole.

Before any land acquired or held in connection with the project, is leased or sold, the purchasers or lessees must contract to carry out the redevelopment plan, begin construction within a reasonable time and comply with such other conditions as the administrator finds are necessary.

There must be a feasible method for the temporary relocation of families displaced from the project area. The facilities provided in the project for such families must be safe and sanitary, within the means of such families, equal in number to the displaced families and reasonably accessible to their places of employment.

If a contract for financial aid is entered into before July 1, 1951, there can be no demolition of residential structures if the local governing board of the area determines that this would create an undue housing hardship in that locality.

D. *Miscellaneous*

The act would provide that not more than 10 percent of the funds provided for grants and loans under this title can be expended in any one state.

The act would authorize the President to transfer to the administrator any interest held by the Federal Government or its agencies in any land which is surplus to the needs of the Federal Government and which is within the plan of a project under this act.

Any contract for financial aid under this title must contain a guaranty that the wages or fees prevailing in the locality will be paid.

II. LOW-RENT HOUSING

The bill amends and revises the United States Housing Act of 1937, as amended. This act authorizes loans and annual contributions to assist public housing agencies in the development and acquisition of low-rent housing and slum clearance projects by such agencies. The act is administered by the Public Housing Administration.

A. *Local Responsibilities and Determinations; Tenancy Only by Low-Income Families*

The bill adds certain new provisions requiring local determination of the need for low-rent housing in order to meet housing needs not adequately being met by private enterprise.

The bill provides that the administration cannot make any preliminary loans to public housing agencies for surveys and planning as to any low-rent housing projects initiated after March 1, 1949 unless: (1) The governing body of the locality involved, approves, by resolution, the application of the public housing agency for such preliminary loans; and (2) the agency demonstrates a need for low-rent housing which is not being met by private enterprise.

The administration is prohibited from making any other loans or annual contributions after March 1, 1949 unless: (1) The governing body of the locality in which the project is located has entered into an agreement with the particular public housing agency providing for the local cooperation required under this bill, and (2) the public housing agency demonstrates to the administration that there is a gap of at least 20 percent between the upper rental limits of the proposed housing and the lowest rents at which private enterprise is now providing housing.

The present act gives the administration the authority to make annual contributions to public housing agencies to assist them in achieving and maintaining the low-rent character of their housing project.

The bill specifies additional restrictions on such contracts for annual contributions. Such a contract must provide that the public housing agency is to fix maximum income limits for admission to and occupancy of such housing. These limits are to be subject to the approval of the administration. The contract must further provide that the administration may require a revision of such limits.

The contract for annual contributions must provide that the public housing agency is to make reports to the administration showing that an investigation of each family admitted to the housing showed the family's net income did not exceed the maximum limits and that such family prior to admission lived in unsafe or overcrowded dwellings or was without housing or had been displaced by a housing project. As to selection of tenants, the contract must provide: (1) That the agency cannot discriminate against families because their income comes from public assistance; and, (2) in the initial selection of tenants the agency shall give preference to families having the most urgent housing needs and shall thereafter give consideration to housing needs.

B. *Veterans' Preferences*

The bill sets out certain priorities for the occupancy of housing projects for which the administration makes a contract for annual contributions. The preferences set up are as follows:

(1) The first priority must be given to families who are to be displaced by low-rent housing projects or by public slum clearance or redevelopment projects, or who have been so displaced within three years prior to their application to be admitted. Within this group, the families of disabled veterans are given first priority and the families of other veterans and service men are given second priority.

(2) The second priority is given to families of other veterans and service men not falling within Group (1). Within this second group disabled veterans are given first priority.

The bill defines veterans to include veterans of World War I and World War II.

C. *Cost Limits*

The bill adds certain additional limitations relating to the costs of housing under a project for which the administration lends assistance.

The act now provides limits of \$4,000 per family dwelling unit and \$1,000 per room of such a unit. As to housing in cities having a population over 500,000, the limits are \$5,000 per family dwelling unit and \$1,250 per room of such a unit.

The bill provides that as to any housing completed after January 1, 1948, the administration cannot assist any project where the cost for construction and equipment of the housing is more than \$1,750 per room. A special provision is made for Alaska. The bill further provides that the administrator can increase these limits up to \$750 per room if such limits are not feasible in the area in which the project is to be located.

The bill also provides that the administration shall first approve any main construction project, taking into account the level of construction costs in the locality.

D. Private Financing

Certain additions and amendments to the act are made in order to stimulate private financing of low-rent housing projects.

The present act provides that in any contract for annual contributions the payment on any loan due the administration from the agency involved shall be given first priority as to the expenditure of such contributions. These provisions are removed so as to put private loans on an equal basis with administration loans to the agency insofar as the expenditure of these contributions are concerned.

The bill provides that every contract for annual contributions may provide: (1) If there is a substantial default by the agency in its contract, the agency at the option of the administration shall either convey title or deliver possession to the administration of the project; and (2) the administration shall be obligated to reconvey title or redeliver possession of the project to the agency as soon as practicable and upon such terms as shall be prescribed in the contract.

The bill provides that when a contract for annual contributions does contain the above provisions and if the annual contributions have been pledged by the agency as security for any of its obligations the administration shall continue to make annual contributions to the project so long as any of such obligations remain outstanding. Certain limitations are placed upon the amount of annual contributions in this situation.

The bill makes certain changes as to the provisions of the present act relating to loans to public agencies.

The present act sets a 60-year limit on the terms of such loans. The bill states that as to projects initiated after March 1, 1949, with respect to which annual contributions are contracted for, there is a 40-year limitation on the term of such loans. Similar changes are made in the provisions relating to contracts for annual contributions.

The bill provides that every contract for annual contributions shall specify that if the receipts of the public housing agency exceed its expenditures, that excess amount shall be applied so as to reduce the amount of subsequent annual contributions under the contract.

The act now allows the administration to consent to a modification of any contract for financial assistance entered into pursuant to the act. The bill revises this provision to allow the administration to amend or suspend any such contract in order to comply with certain changes this bill makes in the going federal rate on the basis of which the annual contributions or the interest rate on the loans are fixed. The bill provides, however, that these contracts cannot be amended so that the rights of holders of any outstanding obligations of the public housing agency involved for which annual contributions have been pledged, will be prejudiced thereby.

The amount of the obligations the authority can incur in carrying out the provisions of the act is increased by the bill. The act now sets

an \$800,000,000 limitation on the amount of such obligations. The bill increases this to \$1,500,000,000. The act now provides that these obligations must mature within sixty years and the interest cannot exceed 4 percent. The bill amends this to leave the term of the obligations up to the discretion of the administration subject to the approval of the Secretary of the Treasury. The interest rate is left up to the discretion of the Secretary of the Treasury.

E. Annual Contributions

The amounts per year of annual contributions that the administration can make to public housing agencies is now limited by the act to \$28,000,000. The bill adds additional amounts. With the approval of the President, the administration after July 1, 1949, may contract to provide annual contributions up to \$85,000,000. This is increased by \$55,000,000 on July 1 in each of the years 1950, 1951 and 1952. On or after July 1, 1953, the administration is authorized to contract in the amount of \$58,000,000. The bill provides that the President can increase this total up to \$55,000,000, subject to a limit on the total additional authorizations of \$308,000,000 per year.

The bill provides that 10 percent of each authorization to enter into contracts for annual contributions, shall, for three years after the authorization is available, be available only for annual contributions contracts with respect to projects to be located in rural nonfarm areas.

The bill sets certain limits as to the number of dwelling units which the administration may authorize at the beginning of construction with respect to projects initiated after March 1, 1949.

The bill revises the provisions of the act dealing with tax exemption of the property of the public housing agencies. The act now provides that no annual contributions shall be made available unless the state, city or other political subdivision in which the project is situated shall contribute in the form of cash or tax remissions, 20 percent of the annual contributions provided.

This provision is deleted by the bill. In its place, the bill provides that every contract for annual contributions entered into after March 1, 1949, shall provide that no contributions shall be made unless the project is exempt from all real and personal property taxes. The bill does provide, however, that these contracts for contributions can authorize the public housing agencies to make payments to these local subdivisions in lieu of such taxes. These payments are limited to an annual amount not to exceed 10 percent of the shelter rents charged annually in such projects. If the project is not exempt from taxes in a state, in lieu thereof, the contract may provide that there shall be no contributions made unless the state, county, city or other political subdivision in which the project is situated contributed at least 20 percent of the annual contributions paid by the administration. As to projects initiated prior to March 1, 1949, the bill authorizes payments in lieu of taxes with certain limitations. It is further provided that these contracts can be amended to make similar provisions in relation to tax exemptions and in lieu payments as may be contained in contracts initiated after March 1, 1949.

F. *Special Provisions for Large Families of Low Income*

The bill provides that dwellings in low rent housing shall be available only to families whose net annual income at the time of admission to such housing, less a \$100 exemption for each minor member of the family, does not exceed five times the annual rent (including the value or cost to them of utilities) of such dwelling. As to continued occupancy the bill permits the public housing agency to allow an exemption for each minor in the family of \$100 or all of his income.

III. HOUSING RESEARCH

The bill directs the housing and home finance administrator to conduct a program of research in relation to housing construction and to report to the President and to Congress, estimates of national urban and rural nonfarm housing needs and the progress that is being made toward meeting such needs.

IV. FARM HOUSING

A. *Financial Assistance by Secretary of Agriculture*

Under this title the Secretary of Agriculture is authorized by the bill to extend financial aid through the Farmers Home Administration to farm owners to enable them to construct, repair, or replace dwellings and other farm buildings in order to provide themselves, their tenants, farm employees, and share croppers with decent living accommodations. The term "farm" as used in this bill is limited to land which produced or is capable of producing agricultural products having a gross annual value of at least \$400 in 1944.

This financial assistance is of three types: (1) Loans for housing and buildings on adequate farms, (2) loans for housing and buildings on potentially adequate farms, and (3) other special loans and grants for minor improvements. "Adequate" is used in the sense of financial ability to repay loans.

The eligibility requirements applicable to all these types of financial assistance are as follows: (1) The applicant must be the owner of a farm without safe and sanitary dwellings for himself or his tenants, share croppers, or farm laborers, or without other adequate farm buildings; (2) the farm owner cannot provide this himself, and (3) he is unable to secure credit from other sources for this purpose.

B. *Loans for Housing and Buildings on Adequate Farms*

If the farm owner is eligible under the above requirements, the secretary is authorized by this bill to make a loan to him if the applicant has the financial ability to repay the loan.

The period of this type of loan is limited to 33 years. The interest rate cannot exceed 4 percent.

The loan instrument must provide for (1) security upon the applicant's equity in the farm and such additional security as the secretary deems necessary, (2) repayment pursuant to a plan prescribed by the secretary, and (3) such other covenants as the secretary shall prescribe in order to secure payment of the loan and to protect the secretary.

C. *Loans for Housing and Buildings on Potentially Adequate Farms*

If the secretary determines that the applicant meets the general requirements but may not reasonably be expected to repay a loan in full within the prescribed period but that his income will be increased sufficiently within ten years as a result of improvements or adjustment of farm practices and methods, the secretary is authorized to make the loan under the conditions previously set out. In such a case the secretary may provide annual contributions to the owner during the ten-year period in the form of credits on the borrower's indebtedness. These annual contributions are limited to 50 percent of the annual installment of principal and interest during this ten-year period.

D. *Other Special Loans and Grants for Minor Improvements*

If an otherwise eligible applicant cannot qualify for either of these types of loans due to his financial status, the secretary is authorized to make a grant or a combined grant and loan to provide for minor repairs and improvements to make the farm dwellings safe and sanitary.

With respect to any one farm or dwelling or building, a grant is limited to \$500 and a combined loan and grant to \$1,000. In any event, the total grant, loan, or combination thereof to any one individual under this provision cannot exceed \$2,000.

E. *Loan Funds*

The secretary is authorized to issue notes and obligations in such sums as Congress may determine from time to time for loan purposes. After July 1, 1949 the secretary is authorized to issue such obligations for loan purposes up to a limit of \$25,000,000. After July 1, 1950 an additional \$50,000,000 is provided, \$75,000,000 after July 1, 1951, and \$100,000,000 after July 1, 1952. These obligations are to be repaid from the payments on the loans and other funds appropriated by this bill.

F. *Contributions*

In connection with loans made on potentially adequate farms the secretary is authorized to make contributions up to the following amounts: After July 1, 1949, \$500,000 per year; after July 1, of the years 1950, 1951, and 1952, respectively, \$1,000,000, \$1,500,000, and \$2,000,000 per year.

G. *Miscellaneous*

As to any loans, the secretary is authorized to grant a moratorium on the payment of principal and interest upon a showing by the borrower that he cannot pay due to circumstances beyond his control.

The secretary is authorized to require all repairs and construction for which a loan, contribution, or grant is made, to comply with such plans and specifications as the secretary may require. The secretary is authorized to furnish advice on the construction of farm dwellings and other buildings and to conduct programs of research and studies to promote such construction.

As between eligible applicants for financial assistance, the secretary is directed to give preference to veterans and the families of deceased

service men. "Veterans" includes veterans of any war in which the United States has participated.

The secretary is authorized to use the services of existing local farmers' committees operating under laws or regulations carried out by the Department of Agriculture, and to appoint such committees in localities where none now exist. Compensation is provided for the members of such committees. He may authorize these committees to examine applications for financial assistance and to submit recommendations on whether such assistance should be rendered.

For the purposes of carrying out this title the secretary is given other powers in relation to standards of adequate farm housing, foreclosure, collection of obligations, and other matters.

V. MISCELLANEOUS

The bill makes certain minor amendments relating to advisory committees of the Housing and Home Finance Administrator, the National Housing Council, the National Banking Act, and the Housing Census.

The bill provides that any low-rent or veterans' housing project under a state or local program shall be approved as a low-rent housing project under the United States Housing Act if: (1) A contract for state assistance has been entered into between January 1, 1948, and January 1, 1950; (2) the project is eligible for assistance under the United States Housing Act, and (3) the public housing agency operating the project applies for federal assistance pursuant to the United States Housing Act.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By OWEN R. KUNS, Deputy

REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to have the following opinions of the Legislative Counsel relative to the constitutionality of Senate Bill No. 298 and Senate Constitutional Amendment No. 14, printed in the Journal.

OPINION OF THE LEGISLATIVE COUNSEL

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, May 12, 1949

Hon. Gerald J. O'Gara

Senate Chamber

Loyalty Oaths by Attorneys—No. 6729

DEAR SENATOR O'GARA: You have asked our opinion as to the constitutionality of Senate Bill No. 298 as amended May 11, 1949, relating to loyalty oaths for attorneys.

It is our opinion that this bill is constitutional both under the Constitutions of the United States and of the State of California.

Senate Bill No. 298 as amended would add Article 10 to Chapter 4, Division 3 of the Business and Professions Code, comprising Sections 6175 to 6178, inclusive. Section 6175 requires that the affidavit required

by this bill shall be filed within ninety days after the effective date of the bill. The oath contained in this section which is required of both present members of the Bar and applicants for membership provides:

(a) That such persons swear or affirm that they will support and defend the Constitution of the United States against all enemies, foreign or domestic. This part of the affidavit is much the same as the oath required of every person upon admission to the State Bar of California.

(b) Subsection (b) requires that the applicant or member swear or affirm that he is not at present a member of any organization pledged to support a foreign government against the United States in the event of hostilities and that he does not advocate nor is now a member of an organization which advocates the overthrow of the Government of the United States or of California by force, violence or any other unlawful means, except those organizations which he lists in his affidavit. He further affirms that he will not in the future become a member of such an organization or will not so advocate. *In Re Lavine*, 2 Cal. 2d 324 held that the Legislature may prescribe minimum standards for admission to the practice of the law and stated at page 330:

“ * * * When it does legislate fixing a standard of qualifications required of attorneys at law in order that public interests may be protected, such qualifications constitute only a minimum standard and limit the class from which the court must make its selection.”

The court also in this case discussed the case of *Ex Parte Garland* 71 U. S. 333, wherein the court held a federal statute requiring an attorney, in order to appear before federal courts, to take an oath that he had never aided the Confederate States in the Civil War, but as the California court stated, this statute was held to be an *ex post facto* law. The oath in question does not seem to deny any person the right to practice law except for failure to file an affidavit and such affidavit pertains to that person's present position and his future position, and further, it does not require him to swear he is not now a member of any of the organizations therein contained, but requires him to list them.

The Supreme Court in the case of *Cohen v. Wright* 22 Cal. 293, 319 stated:

“The right to practice law is not an absolute right, derived from the law of nature. It is the mere creature of the statute, and when the license is issued and the official oath taken, which authorizes the attorney to exercise the right, it confers but a statutory privilege, subject to the control of the Legislature.”

(c) Subparagraph (d) requires a further affidavit for the person to affirm as to whether or not he has been a member of therein listed organizations which the bill states may be listed by the State Bar for evidentiary purposes. If such organizations are listed in the affidavit and this list, as marked, is used by the State Bar for some purpose, this does not prevent the applicant or member from proving that the organization has been improperly classified by either the Attorney General or the mentioned congressional committees or that he is not now a member of such organization.

Section 6177 provides for a penalty for the swearing of a false affidavit. If the Legislature has the power to require such affidavit it has the power to penalize the rendering of a false affidavit. In fact, under the present law a person who swears falsely to the present oath would be guilty of perjury. (See Section 118a, Penal Code.) There does not seem to be any problem of constitutionality involved in this section.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By HARRY J. ENGLEBRIGHT, Deputy

Copies to authors of Senate Bill No. 298 pursuant to Joint Rule 34.

OPINION OF THE LEGISLATIVE COUNSEL

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

May 11, 1949

Report on Senate Constitutional Amendment No. 14

As amended in Senate April 19, 1949

Senators Tenney, Kraft, Dilworth, Williams, Watson, Weybret, and
Hugh M. Burns

Subject: Oaths of office by members of the Legislature and all officers, executive and judicial.

Form: Approved. *Title:* Approved.

Constitutionality: Approved.

Analysis: Adds to the present oath, that the above officers or members take, an oath to defend the Constitution of the United States and of this State against all enemies, foreign and domestic.

The measure requires a further oath that the officer or member is not now pledged nor a member of any organization pledged to support a foreign government against the United States in event of hostilities and further requires that an oath be taken that said person does not advocate and is not a member of any organization which advocates the overthrow of the government of the United States or of this State, by force, violence or any other unlawful means.

FRED B. WOOD, Legislative Counsel
By HARRY J. ENGLEBRIGHT, Deputy

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 384

Senator Dillinger moved that Assembly Bill No. 384 be withdrawn from Committee on Social Welfare for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 384—An act amending Section 58 of the Unemployment Insurance Act, relating to disqualification for benefits.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, strike out lines 13 to 16 inclusive, and insert
“(d) Any individual convicted under subdivision (a) of Section 101 by any court of competent jurisdiction of wilfully making a false statement or knowingly failing to disclose a material fact to obtain or increase any benefit or payment under the provisions of this act shall forfeit any rights to benefits after such conviction based upon any wages paid to him in the calendar quarter in which the conviction occurred and in all prior calendar quarters.”

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 710

Senator Salsman moved that Senate Bill No. 710 be withdrawn from Committee on Financial Institutions for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 710—An act to add Section 10214 to the Insurance Code, relating to group life insurance.

Bill read second time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

On the first line of the title of the printed bill, as amended in the Senate on May 3, 1949, strike out “add Section 10214”, and insert “amend Sections 1730, 1731, 1732, and 1733 of, and to add Section 1734”.

Amendment No. 2

On the last line of the title of said bill, as so amended, strike out “group life insurance”, and insert “insurance production agencies”.

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 2 of said bill, as amended, strike out lines 36 to 49, inclusive, and on page 3 strike out lines 1 to 5, inclusive, and insert

“SECTION 1. Section 1730 of the Insurance Code is amended to read:

1730. All funds received by any [insurance agent, broker or solicitor, life agent surplus line broker, or motor club agent] licensee as premium or return premium on or under any policy of insurance or bail bond are received by [such agent, broker or solicitor in his] him as a fiduciary [capacity.] and, except as herein provided, such licensee shall not, without the express written consent of his principal, mingle any such funds with his own funds or with funds held by him in a capacity other than as licensee. If such funds are held in a separate account, such licensee may deposit therein the commission portion of premiums and other funds necessary to maintain a minimum balance or for the payment of premiums to insurers in advance of their collection. Such deposits may be made only if the amounts thereof are ascertainable from the books of account and records of such licensee and shall not destroy the fiduciary nature of the premium or return premium funds held by him in such separate bank account.

Nothing herein contained shall require any such licensee to maintain more than one separate bank account for all such fiduciary funds held for all principals, if and so long as the funds so held for each principal in such separate bank account are ascertainable from the books of account and records of such licensee.

Any [agent, broker or solicitor] licensee who diverts or appropriates such fiduciary funds to his own use is guilty of theft and punishable for theft as provided by law.

SEC. 2. Section 1731 of said code is amended to read:

1731. The commissioner may suspend or revoke any license of [an insurance agent, broker or solicitor, life agent, surplus line broker or motor club agent] a licensee if, after a hearing upon reasonable notice, he determines that any of the following facts exist in respect to any person authorized to act under such license:

(a) Such person has violated any provision of law relating to conduct of business which could lawfully be done only under authority conferred by such license.

(b) Such person has knowingly or wilfully made a misstatement in an application to the commissioner for a license or in a document filed in support of such an application, has obtained his license by concealment or knowing misrepresentation, or has made a false statement in testimony given under oath before the commissioner or any other person acting in his stead.

(c) The purpose of obtaining such license was to evade or prevent the enforcement of any provision of this code or other insurance laws.

(d) Such person has engaged in a fraudulent practice or act or conducted his business in a dishonest manner.

(e) Such person has shown incompetency or untrustworthiness in the conduct of his business or has by commission of a wrongful act or practice in the course of his business exposed the public or those dealing with him to the danger of loss.

(f) Such person has knowingly misrepresented the terms or effect of an insurance policy or contract while acting in the course of his business.

(g) Such person has failed to perform a duty expressly enjoined upon him by a provision of this code, or has committed an act expressly forbidden by such a provision.

(h) Such person has committed a public offense, shown by a final judgment of conviction, having as one of its necessary elements a fraudulent act or an act of dishonesty in acceptance, custody, or payment of money or property. Upon any conviction of such offense, the commissioner may suspend the license of the person so convicted until the judgment is made final or other final judgment issues.

(i) Such person has aided or abetted any person in an act or omission which would constitute grounds for suspension, revocation, or refusal of license to the person aided or abetted.

(j) Such person has permitted any person in his employ to violate any provision of this code.

The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

SEC. 3. Section 1732 of said code is amended to read:

1732. In addition to any other matters required to be shown to him in order to obtain a license to act as [an insurance agent, broker, solicitor, or life agent, surplus line broker or motor club agent] a licensee, the commissioner may refuse to grant any such license unless the applicant makes a showing satisfactory to him that none of the facts specified in Section 1731 exist in respect to the applicant or its members. Where a hearing is held under this section the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

SEC. 4. Section 1733 of said code is amended to read:

1733. The commissioner may, with or without hearing, suspend, revoke or decline to grant or renew the license of [an insurance agent, broker or solicitor] a licensee, when any of the following facts exist in respect to the applicant or licensee:

(a) Commission of a felony, shown by a final judgment of conviction thereof.

(b) Commission of a misdemeanor denounced by this code or by other laws regulating insurance, shown by a final judgment of conviction thereof.

(c) Suspension, revocation or refusal to grant or renew a license previously issued or applied for under this code when such action by the commissioner occurred within five years before the application and was based on reasonable notice to and hearing of the applicant or licensee.

SEC. 5. Section 1734 is added to said code to read:

1734. The word "licensee" as used in this article shall mean any person licensed under this code to act as an insurance agent, an insurance broker, an insurance solicitor, a life agent, a life analyst, a disability agent, a surplus line broker, a special lines' surplus line broker, a motor club agent, a bail agent, a bail permittee, a bail solicitor, a fraternal agent; or any person holding a restricted or limited license pursuant to

Division 1, Part 2, Chapter 5, Article 1.5 of this code; or any person licensed pursuant to Division 1, Part 2, Chapter 1, Article 8 of this code."

Amendments read, and adopted.

Bill ordered printed, and to third reading, re-referred to Committee on Financial Institutions.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 605

Senator Keating moved that Assembly Bill No. 605 be withdrawn from Committee on Transportation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 605—An act to amend Sections 140.1 and 142 of, and to add Section 140.2 to the Vehicle Code, relating to permits for the operation of and registration of vehicles.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendment:

Amendment No. 1

On page 2 following line 37 of the amended bill, insert

"(9) Any vehicle which is operated upon a highway only for the purpose of transporting agricultural products across a highway and is in no event operated along a highway for a greater distance than one-quarter mile."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Keating moved that Assembly Bill No. 2710 be taken from the inactive file and placed on the second reading file.

Motion carried.

Request for Unanimous Consent

Senator Keating asked for, and was granted, unanimous consent to take up Assembly Bill No. 2710, at this time, for the purpose of amendment.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 2710—An act to add Section 1239.5 to the Code of Civil Procedure, relating to eminent domain and the use of property acquired pursuant to eminent domain proceedings by the State and public agencies.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, after line 24, insert

"Where such property is rented, leased, or used for a different purpose than the one for which it is acquired, the public agency acquiring the property shall pay the

city, if any, and county in which such property is located an amount equal to the current tax rate of the city or county, respectively, on such property multiplied by the assessed value of the property as assessed by the city or county, respectively, at the time the property was acquired by the public agency. If such rental, lease, or use is for less than the full tax year, the payment shall be of that proportion of the amount computed for the year which the period of such rental, lease, or use bears to the full tax year."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 75
Assembly Bill No. 153
Assembly Bill No. 154
Assembly Bill No. 164
Assembly Bill No. 166
Assembly Bill No. 212
Assembly Bill No. 973
Assembly Bill No. 994
Assembly Bill No. 1010

Assembly Bill No. 1109
Assembly Bill No. 1132
Assembly Bill No. 1594
Assembly Bill No. 1706
Assembly Bill No. 1761
Assembly Bill No. 2029
Assembly Bill No. 2742
Assembly Bill No. 2775

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 75—An act to amend Sections 3, 4, 12, and 15 of the Relief Act of 1945, relating to relief of hardship and destitution.

Referred to Committee on Social Welfare.

Assembly Bill No. 153—An act to amend Sections 311, 312, 313, and 314 of the Penal Code, relating to obscenity and indecency and punishment therefor and the destruction of materials used for those purposes.

Referred to Committee on Judiciary.

Assembly Bill No. 154—An act to amend Section 4652 of the Labor Code, relating to waiting period under the Workmen's Compensation Act.

Referred to Committee on Labor.

Assembly Bill No. 164—An act to amend Section 4600 of the Labor Code, relating to workmen's compensation benefits.

Referred to Committee on Labor.

Assembly Bill No. 166—An act to amend Sections 5410 and 5804 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 212—An act to amend Section 970 of the Fish and Game Code, relating to regulation of nets and other appliances.

Referred to Committee on Fish and Game.

Assembly Bill No. 973—An act to amend Sections 28111, 28116, 28126, 28133, 28142, 28146, and 28149, and to repeal Sections 28123, 28124, 28125, and 28134 of the Health and Safety Code, relating to the preservation of the public health, including the sanitation and regulation of establishments where food used for human consumption is stored, prepared, kept, manufactured or distributed.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 994—An act to establish a banking code and to revise, rearrange and consolidate the law relating to banks and banking, including that relating to the State Banking Department, the organization and establishment of banks and trust companies and branch offices, deposits and withdrawals, the deposit of funds by fiduciaries, collections, the assertion of adverse claims to deposits and property, regulation of loans and investments, maintenance of reserves, safe deposit business and enforcement of remedies, the trust business, foreign banking corporations, the receiving of money for transmission to foreign countries, the sale, merger, consolidation and conversion of banks and trust companies, and the liquidation, conservatorship, reorganization and dissolution of banks and trust companies, and providing for certain repeals.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1010—An act to add Section 2175.1 to the Business and Professions Code, relating to persons authorized to practice medicine and surgery under the Department of Corrections.

Referred to Committee on Business and Professions.

Assembly Bill No. 1109—An act to repeal Sections 713, 731, 732, and 733.5 of, and to add Sections 713, 714, 714.5 to, and to amend Sections 715, 716, and 717 of the Fish and Game Code, relating to marine fish.

Referred to Committee on Fish and Game.

Assembly Bill No. 1132—An act to add Sections 1201.1, 1201.2, 1201.3, 1201.4, 1201.5, 1201.6, 1201.7, 1201.8, 1201.9, 1201.10, and 1201.11, to the Fish and Game Code, relating to pheasants and declaring the urgency thereof.

Referred to Committee on Fish and Game.

Assembly Bill No. 1594—An act to amend Sections 201 and 203 of, and add Section 206 to, the Unemployment Insurance Act, relating to disability payments.

Referred to Committee on Social Welfare.

Assembly Bill No. 1706—An act to amend the chapter heading of Chapter 1 of Part 3 of Division 6 of the Welfare and Institutions Code, and to amend Sections 6000, 6001, 6002, 6003, and 6004 of, and to add Section 6005 to, said code, relating to county psychopathic hospitals,

and providing for the temporary admission and treatment therein of mental patients and the powers of counties in respect thereto.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1761—An act to amend Sections 4845.20 and 4845.21; to repeal Sections 4845.26 and 4845.27; and to add Sections 4845.31, 4845.32, 4845.33, and 4845.34 to the Health and Safety Code, relating to county sanitation districts.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2029—An act to add Sections 125, 126, 127, and 128 to the Welfare and Institutions Code, relating to the payment of allowances for old age security and security for the blind, creating the Social Welfare Disbursement Fund, providing for the use thereof, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Assembly Bill No. 2742—An act to add Section 1185 to the Fish and Game Code, relating to birds.

Referred to Committee on Fish and Game.

Assembly Bill No. 2775—An act to amend Sections 86, 87, and 96 of, and to add Sections 86.1 and 97 to, of the Agricultural Code, relating to the powers of district agricultural associations and to the use of property for fair purposes by counties and district agricultural associations.

Referred to Committee on Agriculture.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 56

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

Above reported resolution ordered to third reading.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Assembly Bill No. 1673

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Judiciary.

Committee membership 9; committee vote: Ayes 5; absent 4.

DILLINGER, Chairman

Above reported bill re-referred to Committee on Judiciary.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which were referred:

Assembly Bill No. 427

Assembly Bill No. 1270

Assembly Bill No. 771

Assembly Bill No. 1667

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

DILLINGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which were referred:

Assembly Bill No. 323

Assembly Bill No. 2632

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

DILLINGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Senate Bill No. 921

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

DILLINGER, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred:

Senate Bill No. 592

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

REGAN, Vice Chairman

Above reported bill ordered to second reading.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Senate Bill No. 901

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

DILLINGER, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 802

Senate Bill No. 1185

Senate Bill No. 813

Assembly Bill No. 797

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 1188
Senate Bill No. 1190
Senate Bill No. 1198

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 36

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

BURNS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 1191
Senate Bill No. 1193

Senate Bill No. 1195
Senate Bill No. 1196

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 797

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

BURNS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 463
Senate Bill No. 795

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

BURNS, Chairman

Above reported bills ordered to second reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolutions were offered:

Senate Constitutional Amendment No. 33: By Senator Jespersen—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding to Article XI thereof a new section to be numbered 18½, empowering any city, county, city and county, parking authority, or other public body, agency, or district, to pledge revenues derived from parking meters as additional security for the payment of revenue bonds.

Referred to Committee on Local Government.

Senate Concurrent Resolution No. 58: By Senator Coombs—Relative to approving amendments to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of May, 1949.

Resolution ordered printed and placed on third reading file.

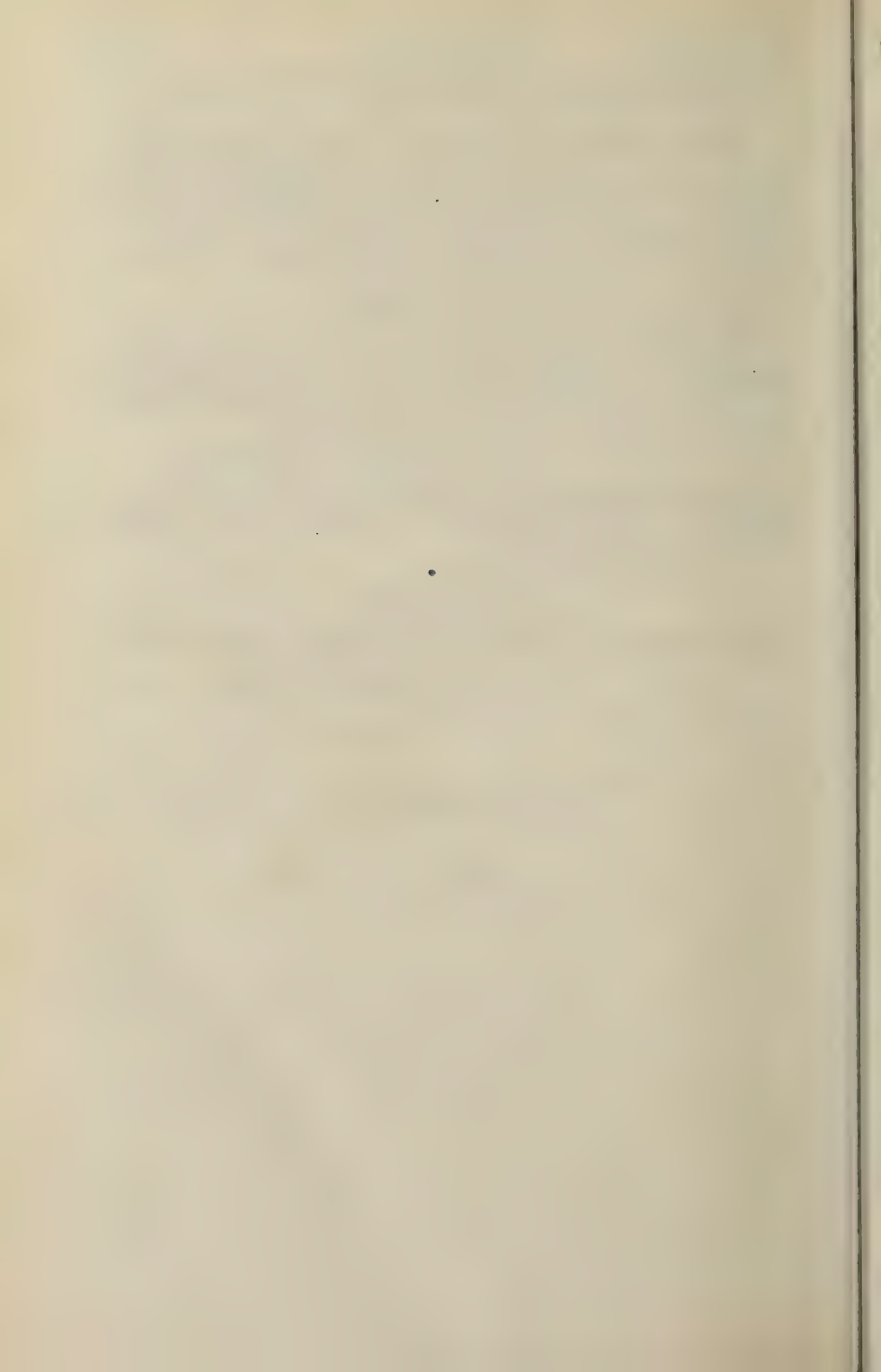
Senate Concurrent Resolution No. 59: By Senator Dilworth—Relative to amendment of the Joint Rules of the Senate and Assembly concerning the printing of bills.

Referred to Committee on Rules.

ADJOURNMENT

At 6.05 p.m., on motion of Senator Keating, the President declared the Senate adjourned until 10 a.m., Friday, May 13, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTY-FIRST LEGISLATIVE DAY

ONE HUNDRED THIRTY-FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, May 13, 1949

The Senate met at 10 a.m.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—31.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Regan, on motion of Senator Salsman, due to legislative business.

Senator Ward, on motion of Senator Salsman, due to legislative business.

Senator Cunningham, on motion of Senator Salsman, due to legislative business.

Senator Mayo, on motion of Senator Salsman, due to legislative business.

Senator Coombs, on motion of Senator Salsman, due to legislative business.

Senator Parkman, on motion of Senator Hulse, due to legislative business.

Senator Busch, on motion of Senator Keating, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Father Markham and the following students of the Mercy College of Nursing: Mrs. Marie Sullivan, Miss Dorothy Niederholzer, Helen Bowdish, Stella Deas, Mary Morrison, Donna McDonald, Erna Reiser, Blanche Wilson.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. Gird Levering and Judge Eldred E. Wolford of El Monte.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sgt. Pat Soran, Board of Supervisors of Los Angeles, and Col. C. W. Ketterman, Field Deputy of Los Angeles.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mary Hale, Teacher; Mrs. Arleen McCrory and the following students of Burns Valley School District, Clearlake Highlands, Lake County, and the following students: Clifford Helegren, Carolyn McCrory, Shirley Sparks, Jane Carlo, Betty Bailey, Beverly Tegner, Nancy Swingle, Marie Pearce, and Bette Fitts.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. W. Stevens of Yreka.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Helen Edwards, Leon Childs, Jack Uren, teachers, and the following students of Brittan Elementary School, Sutter, Franklin Elementary School of Sutter County, Slough School of Sutter County, and Meridian Elementary School of Meridian: Elizabeth Crabtree, Glenda Carathers, Gaileen Davis, Shirley Dozier, Dolores Dean, Robert Hauser, Robert Fletcher, Thomas E. Todd, Helen Edwards, Christene Bumgarner, Scottie Nelson, Dean Cull, Verner Taylor, Robert Cagle, Marion Echols, Bennet Goodiele, Bruce Shaffer, Donald Lee, Eugene Kodamo, Douglas Becker, Russell Joliff, Jack Long, Lavern Aubrey Rowley, Eugene Nelson, Melvin Bowers, Richard Davis, Joel Lynch, Alton Chargin, Kim Epperson, Dale Meadlin, Marvin McBride, Ronnie Pedersen, Harold Waldron, Russell Haynes, Joan Stephenson, Ermina Phillips, Lottie Brown, Rowena Tallon, Tomella Russell, Barbara Correll, Carole Correll, Charlotte Umfress, Marlene Webb, Dolores Henkel, Kermit Larke, Maxie Hensen, William Ziegenmeyer, Harold Brooks, Jack Ward, Marilyn Umfress, Irma Taylor, Caroline Velosquez, and Arthur Flagor.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 366

Senate Bill No. 856

Senate Bill No. 437

Senate Bill No. 857

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 13, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 56

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 2218

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

SUTTON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was referred:

Assembly Constitutional Amendment No. 28

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 7; absent 2.

SUTTON, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was referred:

Senate Joint Resolution No. 29

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 5; absent 4.

SUTTON, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 725

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

SUTTON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which were referred:

Assembly Bill No. 1201

Assembly Bill No. 1210

Assembly Bill No. 2851

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

SUTTON, Chairman

Above reported bills ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 194

Senator O'Gara moved that Senate Bill No. 194 be withdrawn from Committee on Local Government for purpose of amendment and re-refer to committee,

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 194—An act to provide for the incorporation and government of metropolitan rapid transit districts; prescribing the powers thereof, and providing for the performance of certain functions relating thereto by officers of counties and cities and counties, and relating to rail, monorail, and subway transportation in metropolitan areas.

Bill read second time.

Motion to Amend

Senator O'Gara moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out line 4, and insert

"SEC. 2. Metropolitan rapid transit districts may be created as herein provided and when so created may exercise the powers herein granted. Any such district may lie within the boundaries of one or more counties or cities and counties; and may include unincorporated territory of the county or counties and any part of any city or cities.

SEC. 3. A board of supervisors desiring to form or join in forming a metropolitan rapid transit district shall (1) adopt a resolution of its intention to do so, or (2) by initiative petition as hereinafter set forth. The resolution shall contain the following: (1) a statement of the intention to form a district; (2) the boundaries of the proposed district or some other designation of its territorial extent; (3) the name of the proposed district; (4) the time and place when and where objections to the formation of the district or to its extent will be heard, which time shall not be less than thirty (30) days after the adoption of the resolution; (5) the name of the newspaper or newspapers in which the resolution shall be published. It shall be published at least once in some newspaper published in the county, and the board may order it published in more than one such newspaper. The first publication shall be at least twenty (20) days prior to the date of hearing. After publication of said resolution of intention, it shall be the duty of each county board of supervisors to notify each city council within the boundaries of the respective counties, of the time and place when and where objections to, or arguments favoring, the formation of the district or to its extent will be heard, and it shall be the duty of the chairman of each city council to designate at least one of its members to appear before said board of supervisors to explain the viewpoint of said city council. Said notice shall be sent by registered mail and shall be mailed not less than ten (10) days prior to the date of the hearing.

SEC. 3a. Any city of a county or any section of a county may, by initiative petition filed with the board of supervisors of said county and signed by the qualified electors of said city or section equal in number to at least 15 percent of the entire vote cast within said city or section for all candidates for Governor at the last preceding gubernatorial election at which a governor was elected, request that said city or section be included in the district, and it shall be the duty of the board of supervisors to submit said petition to the vote of the electors (1) at the next election to be held within said city or section, or (2) at a special election called for the purpose, which special election shall be not more than one hundred and twenty (120) days after the filing with the board of supervisors the certificate of the person responsible for the checking of the signatures on said petition, certifying to the number of petitioners whose names are attached to the petition, to the number of votes cast at the last election for Governor, and that the petition is signed by more than 15 percent of the qualified electors who voted for the office of Governor at said gubernatorial election.

SEC. 4. Written objections to the formation of the proposed district or to its extent within the county or city and county may be filed in the office of the clerk of any board of supervisors within the proposed district at any time prior to the hour fixed for the hearing. At the time fixed for the hearing or at any time to which said hearing is continued the board or boards of supervisors within said district shall hear said objections or protests. Said hearing may be continued from time to time by order of the board or boards of supervisors entered on the minutes.

SEC. 5. The board or boards of supervisors within said proposed district may exclude any territory within their respective counties or cities and counties that in its or their opinion will not be benefited by inclusion in the proposed district. Said

board or boards may overrule any and all protests or objections by a vote of four-fifths of its members. If the board or boards of supervisors determines that the district should be formed, it or they shall by resolution entered on the minutes (1) define and describe the boundaries thereof or otherwise designate its territorial extent; (2) state the name of the proposed district; (3) call an election to be held in the county or city and county or portion thereof within the proposed district for the purpose of determining whether or not the district shall be formed; (4) fix the date of the election and the hours the polls will be open; (5) establish election precincts and designate polling places for the election; and (6) appoint the election officers. Such resolution shall be published by two insertions in at least one newspaper or newspapers published in each county or city and county in the proposed district, and the first publication shall be at least thirty (30) days prior to the date of the election. It may be published in more than one such paper by order of the board or boards of supervisors. In all particulars not provided for in this act said election shall be held and conducted as provided by law for the holding of special elections in each said county or city and county.

SEC. 6. The canvass of the returns of said election shall be made at the same time and in the same manner and by the same officers as provided by law for special elections in each county or city and county in which the proposed district lies. The canvass of votes shall be made separately in each individual county within the district. If the canvass is made by an officer other than the board of supervisors such officer shall transmit the results to the board of supervisors. The supervisors shall thereupon declare the result of said election. If a majority of all votes cast at said election within each county are in favor of the organization of the district; provided, however, that in any incorporated city or unincorporated area within the county where the majority of the votes have been cast against the organization of the district said city or area shall be excluded from the district, and the board of supervisors by resolution entered on its minutes shall declare the county, or said included portion of the county, as an integral portion of said proposed district duly organized under this act. A certified copy of said resolution shall be filed in the office of the county recorder of each county or city and county in which the district is situated. A certified copy of such resolution shall also be filed with the Secretary of State. Upon the filing of said certified copy with the Secretary of State the district shall be formed.

SEC. 7. After formation of the district is completed, a council shall be appointed. The council shall consist of at least one representative from each municipality which lies in whole or in part within the metropolitan rapid transit district, and if there be any unincorporated territory in any county lying within the district, at least one representative from the unincorporated territory within such county. Any representative of a municipality shall be appointed by the mayor, or in cities which do not have a mayor by the chairman of the governing body thereof, in either case, with the consent and approval of the governing body of such municipality. Any representative of unincorporated territory shall be appointed by the board of supervisors. Each municipality with a population over two hundred thousand shall have one extra representative for each additional two hundred thousand population or fraction thereof.

There is no eligibility requirement for appointment as a member of the council save and except that the person designated shall be a registered voter of the city or county by which he is appointed.

The affirmative votes of members representing more than fifty (50) percent of the total number of votes of all members shall be necessary and, except as otherwise herein provided, shall be sufficient to carry any order or resolution coming before the council.

Members of the council shall be appointed for a term of four years, and until their respective successors shall be duly appointed and qualified; provided, however, that any member of the council may be removed at any time in the same manner as he was appointed. Any vacancy on said council shall be filled by appointment in the same manner as hereinbefore provided. Each member shall be paid the sum of twenty dollars (\$20) for each meeting attended, but not to exceed one hundred dollars (\$100) in any calendar month, and shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties, as authorized by the council.

A majority of the council shall constitute a quorum.

Members of the first council shall be appointed within forty (40) days after the date of the formation of the district, and the first meeting of said council shall be held on the first Wednesday of the month following the appointment of the members thereto, in the city hall of the city with the largest population.

SEC. 8. The officers of the district shall consist of a president and one or more vice presidents, each of whom shall be a member of the council, a secretary, a general counsel, a treasurer and an auditor, none of whom shall be a member thereof. The secretary, general counsel, treasurer and auditor shall be appointed by the council. Until a board of management is appointed, the council may appoint or employ such engineers and attorneys and such other employees from time to time as it may determine.

SEC. 9. Any district incorporated hereunder shall have power:

(1) To provide rapid transit facilities for the transportation of passengers within the district and also for the transportation of mail, express and freight therein.

(2) To acquire and construct rights of way, rail lines, stations, platforms, switches, yards, terminals, and any and all other facilities necessary or convenient for rapid transit within the district, underground, upon or above the ground and under, upon or over public streets or other public ways or water ways, together with all physical structures necessary or convenient for the access of persons and vehicles thereto, and to acquire any interest in or rights to the joint use of any or all of the foregoing.

(3) To sue and be sued in all actions and proceedings and in all courts and tribunals of competent jurisdiction.

(4) To take by grant, purchase, bequest, devise or lease and to hold, enjoy, lease, sell or otherwise dispose of any and all real or personal property of any kind within or without the district necessary or convenient to the full exercise of its powers.

(5) To have and exercise the power of eminent domain, within or without the district, including the power to acquire real property in fee simple or any lesser estate or interest, for rights of way or other uses of the district, and to acquire by eminent domain or otherwise, transit facilities, stations, terminal facilities and other property or any interest therein necessary for purposes of the district whether or not devoted to public use; provided, however, that this provision shall not apply to property owned by or under the control of any governmental body and used for public purposes.

(6) To construct, operate and maintain rapid transit works and facilities in, under, upon, over, across or along any public street, highway or water way under agreement with the United States of America or the State of California or the governing body of the city and county which has jurisdiction over such street, highway or water way, and in, under, upon or over any vacant public lands which are now or may become the property of the United States of America or the State of California by agreement with the United States of America or the State.

(7) To enter into agreements for the joint use of any property and rights by the district and any public utility operating transit facilities; to enter into agreements with any public utility operating any transportation facilities either within or without the district for the joint use of any property of the district or public utility of the establishment of through routes, joint fares, transfer of passengers or pooling arrangements.

(8) To fix rates and fares over the facilities owned by the district.

(9) To lease or contract for the use of its rapid transit facilities to any operator, and to provide for subleases by such operator.

(10) To borrow money, incur bonded indebtedness therefor, and levy taxes for the payment of principal and of interest thereon, in the manner provided in this act, but no such bonded debt shall exceed twenty (20) percent of the assessed valuation of taxable property within the district; to borrow money and issue nonnegotiable notes therefor, as provided in this Section 9, subsection (12); to borrow money and issue equipment trust certificates, short term negotiable notes or revenue bonds therefor in the manner and payable only from revenues. Except as in this subsection provided, and except for equipment trust certificates or short term notes or revenue bonds, no district shall incur any indebtedness or liability in any fiscal year not payable from the income and revenues provided for such fiscal year.

(11) To levy and collect or cause to be levied and collected taxes for the general administrative and preliminary engineering expenses of the district; provided, however, that the tax rate for such purposes in any fiscal year after the first tax levy shall not exceed ten cents (\$.10) on each one hundred dollars (\$100) of assessed valuation of taxable property in the district.

(12) To borrow, for the purpose of defraying general administrative and preliminary engineering expenses of the district prior to the time moneys to be raised by the first tax levy for the district will be available, a sum which with interest thereon to maturity shall not exceed five cents (\$.05) on each one hundred dollars (\$100) assessed valuation of taxable property in the district at the time the moneys are borrowed, and to evidence such borrowing by nonnegotiable notes bearing interest at a rate to be fixed by said council. Said notes shall be signed by the president of the district and countersigned by the secretary of the council. Said notes shall be payable from the first tax levy made by the district and said tax levy shall contain a sum sufficient to provide for the payment of said notes and the interest thereon.

(13) To deposit any moneys of the district, in accordance with the provisions of the general laws of the State of California governing the deposit of public moneys of counties, in such bank or banks in the State of California as may be authorized to receive deposits of public funds, in the same manner and upon the same security as public moneys of counties are deposited in such banks and with like force and effect, and to invest any moneys in any sinking fund or reserve fund, or any surplus in the treasury of the district not required for the immediate necessities thereof, in accordance with the general laws of the State of California relating to investments of county funds.

(14) To do any and all things necessary to carry out the purposes of this act.

(15) All real and personal property and equipment owned or to be acquired by any district for the purpose of providing any and all of the following rail, monorail, subway, bus and any other rapid transit facilities are herein and hereinafter referred to as "rapid transit works" or "rapid transit facilities."

Sec. 10. The council shall have all of the powers granted to the district, except those powers expressly granted to the board of management by the district or the council, including the following specific powers:

(1) To fix the time and place at which its regular meeting shall be held, and to provide for the calling and holding of special meetings.

(2) To adopt a seal for the district;

(3) To fix the location of the principal place of business of the district and the location of offices and departments thereof;

(4) To employ engineers and other experts for the purpose of developing a comprehensive rapid transit plan for the district;

(5) To determine what rapid transit facilities should be acquired or constructed by such district;

(6) To submit to a vote of the qualified electors of the district a proposition or propositions for the incurring of bonded indebtedness for the purpose of acquisition and construction of rapid transit facilities;

(7) In the event of the incurring of bonded indebtedness for the purposes stated in subsection (6) of this Section 10 is authorized, to thereupon appoint a board of management to conduct the business and affairs of the district, as more fully hereinafter provided;

(8) To exercise any and all powers of the district prior to the appointment and qualification of a board of management;

(9) After a board of management is appointed and qualified, to exercise such powers as are reserved to said council by the express provisions of this act;

(10) To prescribe the procedure for the presentation and payment of claims against the district. No claims other than claims based on written contract shall be allowed or paid unless filed with the district within six (6) months after the claim first arose or accrued. The council may allow or reject any claim, in whole or in part, filed prior to the appointment of a board of management, and the board of management may allow or reject any claim, in whole or in part, filed after its appointment. No action may be maintained on any claim rejected by the council or by the board of management, in whole or in part, unless brought within six (6) months after the date of such rejection. Failure to act on any claim or demand within ninety (90) days from the date the same is filed may be deemed by claimant a rejection thereof;

(11) To lease any or all property and facilities of the district or to make contracts for the use thereof upon such terms and conditions as it may deem proper, and in the public interest;

(12) To levy and collect taxes as otherwise provided in this act; and

(13) To adopt all resolutions and orders necessary or convenient for the execution of the powers vested in the council by this act.

Sec. 11. If the issuance of bonds for the acquisition and construction of rapid transit facilities shall have been authorized, the council shall thereafter appoint a board of management, consisting of five (5) members.

The members of the board of management shall be qualified by training and experience to conduct the operation of rapid transit facilities.

Members of the board of management shall serve at the pleasure of the council and until their respective successors are appointed and qualified.

The board of management shall hold regular meetings not less than once a month and may hold such additional meetings as it may see fit. The time and place for the holding of all of its meetings shall be fixed by the board of management. Members of the board of management shall be allowed necessary traveling and personal expenses incurred in the performance of their duties.

The board of management shall have the power:

(1) To fix the time and place or places at which its regular meetings shall be held, and to provide for the calling and holding of special meetings;

(2) Except as to powers expressly reserved to the council, to make and pass resolutions and orders necessary for the government and management of the business and affairs of the district, for the execution of the powers vested in the district, and for the carrying into effect of the provisions of this act;

(3) To prescribe by resolution a system of business administration and to establish or change the powers and duties and compensation of all officers appointed by it and of employees appointed by heads of departments.

(4) To delegate and redelegate, by resolution, to officers of the district, power to employ clerical, legal, and engineering assistants and labor and, under such conditions and restrictions as shall be fixed by the board of management, to bind the district by contract;

(5) To prescribe methods for the preparation of plans and for the letting of contracts for the preparation of plans required for the carrying out of any of the purposes of this act;

(6) To prescribe methods for the construction of works and for the letting of contracts for the construction of works, structures or equipment, or the performance or furnishing of labor, materials, or supplies, required for the carrying out of any of the purposes of this act, subject to specific provisions hereinafter set forth;

(7) To hold public hearings, subpoena witnesses and perform all other acts necessary to arrive at proper rates and fare structures, and report thereon to the council, or to delegate such authority to certain officers of the district;

(8) To prepare and submit to the council, at the start of each fiscal year, a financial statement and budget for the ensuing fiscal year, and during the year such reports as may be required by the council;

(9) As soon as practicable after the district is in operation, and when the public interest shall require, the council shall establish a reasonable depreciation fund, and expenditures therefrom shall be limited to replacement of capital improvements and equipment; and

SEC. 12. Before incurring any bonded indebtedness, the council shall employ competent engineers for the purpose of developing a comprehensive rapid transit plan for the district. Such engineers shall make a report to the council which shall include (a) a description of the rapid transit facilities to be acquired and or constructed by the district, (b) the estimated total cost of constructing or acquiring, or both, such rapid transit facilities, (c) the period of construction of such facilities, (d) an estimate of the revenues which may be expected to be derived therefrom, and (e) the amount of bonds which will be required to pay the estimated total cost and to pay interest on the bonds during the estimated period of construction, and for six months thereafter. Such report shall be filed with the secretary of the district before any bond issue is submitted to vote.

SEC. 13. After such report has been filed, if the council determines that it is necessary for the district to incur a bonded indebtedness for the acquisition and construction of the rapid transit lines, facilities and works generally described or set forth in said report and the acquisition of such rolling stock and other property as may be necessary for purposes of operation and the providing of operating funds, it shall so declare by resolution adopted by a vote of three-fourths (3/4ths) of all of the members thereof. The resolution shall contain:

(a) A statement of the proposition to be submitted to the electors, including the purpose for which the proposed debt is to be incurred.

(b) The amount of debt to be incurred.

(c) The maximum term, which shall not exceed seventy-five years, that the bonds proposed to be issued shall run before maturity.

(d) The maximum rate of interest to be paid which shall not exceed 6 percent per annum.

(e) A statement that interest, to be paid upon such bonds, during the period of construction of the works of the district and before any revenue is obtained therefrom shall be a capital charge, and shall be payable out of the principal sum realized from the sale of the bonds.

SEC. 14. The council shall fix a date upon which a special election shall be held for the purpose of authorizing the bonded indebtedness to be incurred and shall provide for holding the election on the date so fixed; provided, however, the council shall have no power or authority, within six months after an election at which a proposition submitted to the qualified voters of the district failed to receive the requisite number of votes as provided in Section 19 hereof, to call or order another election for incurring any indebtedness for purposes substantially the same as voted upon at such prior election. Any election submitting the proposition of incurring indebtedness and the issuance of bonds called pursuant to the provisions of this act, may be held separately, or may be consolidated with any other election authorized by law at which the qualified voters of any county or city are entitled to vote; provided, however, that in the event any such election called pursuant to the provisions of this act is consolidated with any other election, the provisions of this act setting forth the procedure for the calling and holding of the election called pursuant to the provisions of this act, shall be complied with, except, that the resolution calling such election need not set forth the election precincts, polling places and officers of election, but may provide that the precincts, polling places and officers of election shall be the same as those set forth in the ordinance, order, resolution or notice or other proceedings calling or providing for or listing or designating the precincts, polling places and election officers for the election with which the election called pursuant to the provisions of this act, is consolidated, and shall refer to such ordinance, order, resolution or notice or other proceeding by number and title, or date of adoption, or by date or proposed date of publication and the name of the newspaper in which publication has been or will be made or by any definite description.

SEC. 15. The council shall give notice of the holding of the election. The notice shall:

(a) Refer to the resolution adopted by the council calling the election.

(b) Specify the precincts or consolidated precincts in each county or portion of a county which are adopted for the purposes of the election; designate the location

of the polling places, and the names of the officers selected to conduct the election, who shall consist of one inspector and two judges in each precinct; or, refer to the ordinance, order, resolution or notice or other proceedings calling or providing for or listing or designating the precincts, polling places and election officers for the election with which the election called pursuant to the provisions of this act is consolidated.

SEC. 16. The notice shall be published for two weeks in at least one newspaper of general circulation and not more than three newspapers designated by the council, which are printed and published in each county or city or portion of a county within the district. The notice as published in each county shall contain only the reference to the precincts, polling places and election officers in the county or portion of the county in which it is published.

If there is no newspaper published in any county the notice shall be posted in three public places in that county.

SEC. 17. All the expenses of holding the election shall be borne by the district, except, when the election is consolidated with another election pursuant to Sections 10050 to 10058, inclusive, of the Elections Code, in which case the expense borne by the district shall be that agreed upon by the council and the other governing body or bodies calling the elections.

SEC. 18. The returns of the election shall be made and the votes canvassed by the council within thirty (30) days after the holding of the election, and the results thereof designated and declared in accordance with the general election laws of the State insofar as they may be applicable, and except as otherwise provided in this act. In the event that the election is consolidated with any other election, the returns of the election, the method of canvassing, and the results thereof shall be designated and declared in accordance with Sections 10050 to 10058, inclusive, of the Elections Code.

As soon as the result is declared the secretary shall enter a statement of the results in the record of the council.

SEC. 19. If more than two-thirds of the votes cast at the election are in favor of incurring the indebtedness, the council may by resolution at any time it deems proper, provide for the form and execution of the bonds, and for the issuance of any part thereof, and may sell or dispose of the bonds so issued at such times or in such manner for cash in lawful money of the United States as it may deem to be to the public interest.

SEC. 20. If after any bond has been duly signed by any properly authorized officer and that officer ceases to hold office, the bond may nevertheless be delivered with the same effect as if it had been signed by the person holding the office at the time of delivery.

SEC. 21. The district bonds may be registerable as to principal alone, or as to both principal and interest, under such terms and conditions as may be fixed by the council prior to the issuance thereof.

SEC. 22. All bonds and revenue bonds issued by the district shall be legal investments for savings banks, and shall have the same force and effect and be entitled to the same privileges as bonds issued by any municipality; and all bonds issued under any of the provisions of this act and the interest thereon shall, at all times, be exempt from taxation within this State.

SEC. 23. Whenever the council deems it necessary or advisable to refund any outstanding bonds, it may, by resolution, declare such necessity or advisability and outline a general plan of refunding, including the issuance of refunding bonds and the terms and conditions thereof.

Upon adopting a general plan of refunding, the council shall, by resolution, provide for submitting to the qualified electors of the district the proposition of whether the refunding bonds shall issue. The resolution shall provide for the manner of submitting the proposition to the electors, and shall state the purpose of the refunding, the terms and conditions of the bonds, and any other facts essential for the information of the electors. The election held on the proposition shall conform to the provisions of this act relating to bond elections.

If the proposition is favorably voted upon, the council has plenary power in the matter of executing the bonds and providing for their sale and disposition.

SEC. 24. During July of each year the council shall determine the amount of money required by the district which must be raised by taxation, and shall fix a rate of taxation which will raise that amount. If the purpose of the taxation is to supply funds for investigating the project prior to the issuance of bonds and the payment of the officers and employees of the district prior to the time when the works of the district are earning revenue, the tax rate shall not exceed ten cents (\$.10) on each one hundred dollars (\$100) of assessed valuation.

SEC. 25. All running expenses of the district prior to the time the works of the district are earning revenue, being a part of the cost of constructing or acquiring or both the works, may be paid from the proceeds of any bonds issued by the district.

SEC. 26. Within a reasonable time prior to the time that the boards of supervisors of the counties or cities and counties having any portion of their territory within the boundaries of the district are required by law to fix their tax rates, the council shall certify to the board of supervisors of each of the said counties the rate of taxation fixed for district purposes and at the time and in the manner required by law for

the levying of taxes for county purposes, each shall levy and collect a tax for district purposes, in addition to any other tax levied by such board of supervisors at the rate certified by the board. The council must, in all cases, certify to the board of supervisors of each of said counties a rate of taxation sufficient to pay the principal and interest becoming due on any bonds issued hereunder, and it shall be the duty of the board of supervisors to levy and collect taxes in an amount sufficient to pay the principal and interest on any bonds issued pursuant to this act.

SEC. 27. All county officers charged with the duty of collecting taxes shall collect district taxes at the same time and in the same form and manner as county taxes are collected, and when collected pay the proceeds to the district. The appropriate county officers shall pay the taxes collected for the district to the secretary of the district who shall deposit them in the district depository to the credit of the district.

SEC. 28. Each county auditor and tax collector affected by the provisions of this act shall annually file with the board of supervisors of his county itemized statements showing the additional expense to his office caused by the performance of the duties imposed upon him or his office under the provisions of this act, and upon the filing of such statements the board of supervisors shall, by an order spread upon its minutes, deduct such expenses from the tax money of the district, while in the hands of the tax collector, and transfer the amount deducted into the county salary fund; provided, that not more than one-half of 1 percentum on the amount collected shall be so charged or deducted by any county. The board or boards of supervisors of such county or counties may provide such extra help for their county offices or officers as in their judgment may be necessary for the proper performance of their duties hereunder.

SEC. 29. Taxes levied by the board of supervisors of a county for the benefit of the district shall be a lien upon all property within such county lying within the district, and shall have the same force and effect as other liens for taxes. Their collection may be enforced in the same manner as liens for county taxes are enforced.

SEC. 30. If during the month of July next preceeding the expiration of the time estimated for the construction of the works it appears to the council that the construction of the works may be delayed beyond the time so estimated the council shall estimate the period of such delay and cause a tax to be levied and collected in accordance with the provisions of this act which shall be sufficient to produce the amount required to pay one year's interest on the bonds or, if the estimated period of delay will be less than one year, the amount required to pay the interest which will accrue on the bonds during such estimated period of delay.

The amount of any such tax shall be reduced to the extent that the district has funds on hand and available for the purpose of paying such interest.

SEC. 31. The taxes required to be levied and collected under this act shall be in addition to all other taxes levied for county purposes, and all taxable property of the district shall be and remain liable to be taxed as provided in this act until the entire principal and interest of the bonded indebtedness of the district has been paid in full.

SEC. 32. The district shall have power to purchase rolling stock of all kinds, including busses, passenger cars, cars for transportation of mail and express, and service cars, and may execute agreements, leases, and equipment trust certificates in the form customarily used in such cases appropriate to effect such purchase, and may dispose of such equipment trust certificates. All money required to be paid by the district under the provisions of such agreements, leases, and equipment trust certificates shall be payable from the revenue or income to be derived from the operation of its rapid transit facilities. Payment for such equipment or rentals therefor may be made in installments, and the deferred installments may be evidenced by equipment trust certificates payable solely from such income and revenue, and title to such equipment shall not vest in the district until the equipment trust certificates are paid. The agreement to purchase may direct the vendor to sell or assign the equipment to a bank or trust company duly authorized to transact business in the State of California, as trustee, for the benefit or security of the equipment trust certificates and may direct the trustee to deliver the equipment to one or more designated officers of the district, and may authorize the trustee simultaneously therewith to execute and deliver a lease of the equipment to the district. Such agreements, leases and equipment trust certificates shall be authorized by resolution of the board of directors and shall contain such covenants, conditions and provisions as are hereinafter authorized in Section 35 hereof which may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from the revenue or income to be derived from the rapid transit facilities. An executed copy of each such agreement and lease shall be recorded in the office of the county recorder of each county in which the district lies, and such filing shall constitute notice to any subsequent judgment creditor or any subsequent purchaser. Each vehicle so purchased and leased shall have the name of the owner and lessor plainly marked thereon, followed by the words "Owner and Lessor."

SEC. 33. The district may borrow money for any of the purposes of the district upon short term notes or revenue bonds payable solely from revenues of the district. Such short term notes or revenue bonds shall be payable only from rates, charges or

fares, funds received from leases or concessions, and other revenue of the district derived from sources other than taxation or the issuance of bonds, and moneys from such sources for the payment of such bonds shall be set aside monthly, quarterly, semi-annually or annually, as provided in the resolution authorizing the issuance thereof, prior to any other payments from said sources. No taxes shall ever be levied to pay the principal of or the interest on said notes or revenue bonds.

SEC. 34. The council may by resolution adopted by a vote of three-fourths of all of the members thereof determine that it is necessary for the district to borrow money and issue such short term notes or revenue bonds, payable solely from revenues of the district. The council shall determine the time, form, manner, terms and conditions of issuance of such short term notes and revenue bonds; and such short term notes or revenue bonds may be issued and sold from time to time as the council may determine, but for not less than par and accrued interest to date of delivery.

SEC. 35. (a) The council may enter into indentures providing for the aggregate principal amount, date, or dates, maturities, interest rate, denominations, form, registration transfer and interchange of such bonds and coupons, and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions thereof and of this act into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this act, and is bound thereby.

(b) An indenture pursuant to which bonds are issued may include such covenants and agreements on the part of the council as the council deems necessary or advisable for the better security of the bonds issued thereunder.

(c) An indenture may include a clause relating to the bonds issued thereunder requiring the council to pay or cause to be paid punctually the principal of all such bonds and the interest thereon on the date or dates, at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto in accordance with such indenture.

(d) An indenture may include a clause relating to the bonds issued thereunder requiring the council to continuously operate all improvements acquired, constructed, or completed, in whole or in part, from the proceeds of the bonds in an efficient and economical manner.

(e) An indenture may include a clause relating to the bonds issued thereunder requiring the council to make all needful and necessary repairs, renewals and replacements to any improvements and to keep them at all times in good repair, working order and condition.

(f) An indenture may include a clause relating to the bonds issued thereunder requiring the council to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

(g) An indenture may include a clause relating to the bonds issued thereunder requiring the council to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, of any improvements acquired, constructed or completed from the proceeds of the sale of the bonds, or upon any physical properties, of which might impair the security of the bonds.

(h) An indenture may include a clause relating to the bonds issued thereunder which limits, restricts, or prohibits any right, power or privilege of the council to mortgage or otherwise encumber, sell, lease or dispose of any improvements constructed from the proceeds of the bonds, or to enter into any lease or agreement which impairs or impedes the operation of such improvement, or any part thereof, necessary to secure adequate revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

(i) An indenture may include a clause relating to the bonds issued thereunder requiring the council to fix, prescribe and collect rates, tolls, rentals or other charges in connection with the services and facilities furnished from the improvements acquired, constructed or purchased from part or all of the proceeds of the bonds, sufficient to pay the principal of and interest on the bonds as they become due and payable, together with all expenses of operation, maintenance and repair of the improvements, and with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the further security of such bonds or as a depreciation charge or other charge in connection with such improvement.

(j) An indenture may include a clause relating to the bonds issued thereunder requiring the council to hold in trust the revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created for the further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the indenture.

(k) An indenture may include a clause limiting the power of the council to apply the proceeds of the sale of any issue of bonds for the acquiring, constructing, or completing of any improvement or any part thereof, or more than one of such improvements.

(l) An indenture may include a clause limiting the power of the council to issue additional bonds for the purpose of acquiring, constructing or completing any improvement or any part thereof.

(m) An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the council on any improvement, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected.

(n) An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds of the district then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

(o) An indenture may include a clause designating the rights, limitations, powers and duties arising upon breach by the district of any of the covenants, conditions, or obligations contained in any indenture.

(p) An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the council and the vote or written assent of the holders of a specified principal amount of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

(q) The indenture may include a clause providing for such other acts and matters as may be necessary or convenient or desirable in order to secure the bonds or to make the bonds more marketable.

(r) The council shall fix and determine the conditions upon which any trustee shall receive, hold or disburse any or all revenues collected for or on account of the district. The council shall prescribe the duties and powers of such trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

(s) The council may issue bonds in series or may divide any issue into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the council, at or prior to the issue thereof. The council may provide for successive issues or may provide for one maximum issue.

(t) Bonds may be issued as coupon bonds or as registered bonds. The council may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the council may determine.

(u) Bonds shall bear interest at a rate of not to exceed six (6) percent per annum, payable annually or semiannually or in part annually and in part semiannually. Prior to the issuance of bonds the council may fix limitations or restrictions on the payment of interest.

(v) Bonds may be callable upon such terms, conditions, and upon such notice as the council may determine, and upon the payment of the premium fixed by the council in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

(w) The council may provide for the payment of the principal and interest of bonds at any place within or without the State of California, and in specified coin or currency of the United States.

(x) The council may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of officers of the council, and by additional authentication by a trustee or fiscal agent appointed by the council. If any of the officers whose signatures or countersignatures appear upon the bonds or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons.

(y) Bonds shall bear dates prescribed by the council. Bonds may be serial bonds or sinking fund bonds with such maturities as the council may determine. No bond by its terms shall mature in more than fifty years from its own date and in the

event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

(z) The council may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The council may sell bonds at less than their par or face value but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than six (6) percent per annum, payable semiannually, according to standard tables of bond values.

(aa) Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any project for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

(bb) The council may provide in the proceedings for the issuance of bonds that the bonds and the interest thereon constitute such lien upon the revenues of any project acquired, constructed, or completed from the proceeds thereof as may be provided for in the indenture.

(cc) Pending the actual issuance or delivery of revenue bonds, the council may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

(dd) The council may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued by the district. All provisions of this act applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance, sale or exchange thereof.

(ee) Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding bonds. These expenses include the difference in amount between the par value of the funding or refunding bonds and any amount less than par for which the funding or refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding bonds from the date of sale thereof to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

(ff) All bonds issued under the provisions of this act are negotiable instruments, except when registered in the name of a registered owner.

SEC. 36. Territory, whether incorporated or unincorporated, not included in any other rapid transit district, may be annexed thereto. A petition signed by the qualified electors of said territory equal in number to at least 15 percent of the total number of registered voters in the territory proposed to be annexed shall be presented to the council of said district. The petition shall describe the boundaries of the territory proposed to be annexed and shall request that such territory be annexed to the district. Each such petition shall be accompanied by a bond in a form to be approved by the council of said district and filed with the secretary as security for the payment by the petitioners of the reasonable costs of the election on annexation in the event that at the election less than a majority of the votes cast are in favor of annexation. If the petition is signed by the requisite number of qualified signatures, the council shall fix a time and place for hearing thereon and shall give notice thereof by two publications in a newspaper of general circulation within the territory proposed to be annexed. At the time fixed for the hearing the council shall hear the petition and any protests or objections made thereto. If the council finds that it is in the best interests of the district and in the best interests of the territory proposed to be annexed for such annexation to be made, it may, by resolution, order an election to be held in the territory proposed to be annexed for the purpose of submitting to the qualified voters thereof the question of the annexation of such territory to said district. The resolution shall describe the boundaries of the territory proposed to be annexed, state the date of election, designate voting precincts and polling places and appoint the officers of election. Such resolution shall be entered in the minutes and shall be conclusive evidence of the due presentation of a proper petition and of the fact that said petition was signed by the requisite number of qualified signers. Said resolution shall be published twice in some newspaper of general circulation in the territory proposed to be annexed, the first publication to be at least thirty (30) days prior to the date of election.

If a majority of the votes cast in such territory are in favor of annexation, the secretary of the district shall make and cause to be entered in the minutes a resolution approving the petition and declaring said territory described therein annexed

to, incorporated in, and made a part of said district. A certified copy of such resolution shall be filed in the office of the county recorder in which the territory lies and a certified copy shall be filed with the Secretary of State. The entry of said resolution upon the minutes is conclusive evidence of the fact and regularity of all prior proceedings of every kind required by law and of the facts stated in such resolution. The territory so annexed shall be subject to taxation for any of the purposes of the district, including outstanding indebtedness, upon the same basis as all other territory in the district.

SEC. 37. If district bonds for the acquisition and construction of the rapid transit facilities have not been voted by the electors thereof, the council of such district may call an election and submit to the qualified electors of such district the question of dissolving the district. The election shall be called as quickly as convenient and may be consolidated with any other election in the manner provided by law. If an election is required by law to be held throughout the district within one year after the decision to dissolve, then the council of the district may delay calling the election on dissolution for the purpose of consolidating the same with such election to be held throughout the district.

The election shall be called by resolution which shall state the time, place and purpose thereof, establish election precincts, designate polling places, and appoint election officers and, in all respects not provided in this section, said election shall be held and conducted in the same manner as other elections in the district. In the event said election shall be consolidated with any other election, the resolution calling the election hereunder need not describe the precincts, polling places, or appoint officers of election but may refer to the ordinance, order, resolution or notice calling or providing for such other election, or listing or designating the precincts, polling places and election officers therefor for the precincts, polling places and officers of election for the election called hereunder. Said resolution shall be published twice in some newspaper of general circulation in the district and the first publication shall be at least thirty (30) days prior to the date of election. If a majority of the qualified electors voting at said election vote in favor of such dissolution, the council shall, by resolution entered upon its minutes, declare the district dissolved. A certified copy of said resolution shall be filed with the county recorders and with the Secretary of State and also with the county assessors and the State Board of Equalization. Upon the adoption of said resolution, said district shall be dissolved. The council, if dissolution is voted, shall wind up the affairs of the district and pay all indebtedness thereof, and any moneys remaining thereafter shall be paid over to the cities and the counties in which the district lies, in proportion to the assessed valuation of taxable property in each of said cities and in the unincorporated area of the counties included in the district, as shown by the assessment rolls of the counties last equalized at the date of such dissolution.

SEC. 38. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby."

Amendment No. 2

On page 1 of said bill, strike out lines 5 to 23, inclusive, and strike out all of pages 2, 3 and 4.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill No. 921—An act to amend Section 2 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 2, line 18, of the printed bill as amended, strike out "the commission"

Amendment No. 2

On page 2, line 19, of said bill, strike out "is authorized and".

Amendment No. 3

On page 2, line 20, of said bill, strike out "directed to declare", and after "not" strike out "to"; after "provision", insert "shall".

Amendment No. 4

On page 2, line 23, of said bill, strike out "the commission shall declare".

Amendment No. 5

On page 2, line 24, of said bill, strike out "not to be", and insert "shall become not".

Amendment No. 6

On page 2, line 25, of said bill, strike out "it", and insert "the commission"; after "report", insert "on"; and after "such", strike out "action", and insert "occurrence".

Amendment No. 7

On page 2, line 34, of said bill, after "provision", strike out "so declared", and insert "which has so become".

Amendment No. 8

On page 2, line 35, of said bill, strike out "to be".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 592—An act to authorize cities and the legislative bodies thereof to acquire, construct, maintain and operate public parking places for automobiles and to issue and sell revenue bonds to finance the same and to provide for the use and expenditure of the proceeds of such bonds and the use and disposition of revenue arising from public parking places so financed.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, after "cities", insert "cities and counties, counties, parking districts and parking authorities".

Amendment No. 2

On page 1, line 16, of said bill, after "either", insert "on,".

Amendment No. 3

On page 2, line 4, of said bill, after "expenses", insert "financing, economic,".

Amendment No. 4

On page 2, lines 44 to 49, of said bill, strike out "The title to such property and the revenue and income therefrom including any miscellaneous revenues, sinking funds, reserve funds and other such funds and the income therefrom pledged to the payment of and interest of any bonds issued hereunder is subject to the trusts created by this act in favor of the bondholders."

Amendment No. 5

On page 3 of said bill, between lines 7 and 8, insert "The legislative body of any city, or city and county, county, parking district or parking authority may lease any such public parking places and facilities in connection therewith to the highest responsible bidder after notice, which shall consist of the publication of a notice inviting bids by two or more insertions thereof, not less than five days apart, in a newspaper of general circulation printed and published in such city, or city and county, which publication shall be commenced not less than ten days prior to the date set in the notice for the opening of bids; or, if there be no newspaper of general circulation printed or published therein, by posting copies of said notice inviting bids in at least three public places in said city, or city and county, not less than ten days prior to the date set in the notice for the opening of bids. Such notice shall distinctly and specifically describe the parking places and the facilities in connection therewith which are to be

leased; provided that the legislative body must reject any and all bids presented and readvertise if the minimum rental to be paid under such lease is not sufficient to pay the principal and interest on the revenue bonds and all other charges created in connection therewith, including reserve fund, sinking fund and maintenance fund payments."

Amendment No. 6

On page 3, line 12, of said bill, after "body", insert "subject to the terms of any lease entered into by the legislative body pursuant to authority conferred upon it by this chapter."

Amendment No. 7

On page 3 of said bill, between lines 17 and 18, insert "provided, however, the legislative body may contribute land or cash, or other facilities, if it receives compensation therefor, in an amount not less than the actual value of such land, cash or other facilities, from the proceeds of revenue bonds issued pursuant to this act."

Amendment No. 8

On page 7, line 45, of said bill, after "bonds", insert "in any manner not specifically prohibited by the Constitution of the State of California."

Amendment No. 9

On page 8 of said bill, strike out lines 14 and 15, and insert

"SEC. 54. The bonds issued under this act shall be subject to investigation and certification by the California Districts Securities Commission. If the bonds are certified by the California Districts Securities Commission, pursuant to Division 10 of the Water Code of California, said bonds shall be legal investments for all trust funds, for the funds of all insurance companies, banks both commercial and savings, trust companies, the state school funds, and any funds which may be invested in bonds of cities, counties, cities and counties, school districts or municipalities in the State."

Amendment No. 10

On page 8, line 48, of said bill, strike out "or may hereafter be amended to read."

Amendment No. 11

On page 10, line 11, of said bill, strike out "other than employees of the legislative body or of another public body actually engaged in rendering service to the legislative body in connection with the project."

Amendment No. 12

On page 12, line 1, of said bill, after "expenses", insert "financing, economic, legal."

Amendment No. 13

On page 12, line 19, of said bill, after "project", insert "and for the payment to a reserve fund of an amount equal to the amount of interest and principal of such revenue bonds becoming due prior to and during the period of actual construction of the project for which the bonds are issued."

Amendment No. 14

On page 12, line 44, of said bill, after "project", add "financing, economic, legal."

Amendment No. 15

On page 12, line 47, of said bill, insert

"SEC. 115. In lieu of depositing the proceeds of sale of said bonds with the city treasury, the legislative body may in any indenture or proceedings for the issuance of bonds designate a trustee or fiscal agent, which shall be a bank or trust company, or banks or trust companies, duly qualified to do business in this State, to receive the proceeds of such revenue bonds, and to hold the same to the credit of the legislative body in funds which shall be kept segregated and set apart from all other funds and shall be paid out and distributed solely upon the application and demand of the legislative body."

SEC. 116. In lieu of depositing of the revenues received from the project with the city treasury, the legislative body may deposit all such revenues at any bank or trust company appointed depository or fiscal agent of the city in the proceedings for the issuance of the bonds, and if such fiscal agent or depository is so appointed, the legislative body shall provide for the collection of all revenues therefor, the receipt and disbursement thereof by the fiscal agent. The legislative body may, in its absolute discretion, fix the terms and conditions upon which the trustee, or trustees, or fiscal agent, or depository, shall receive, hold and disburse such revenues, and may prescribe the duties and powers of such fiscal agent, trustee or trustees, or depository in the indenture or other proceedings for the issuance of the bonds."

Amendment No. 16

On page 12, line 49, of said bill, insert

"SEC. 119. "City" as used in this act shall mean "city and county"."

Amendment No. 17

On page 13, line 35, of said bill, insert

"SEC. 124. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid or unenforceable, such decision shall not effect the validity or enforceability of the remaining portions of the act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional, invalid or unenforceable."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 901—An act to amend the title and to repeal Sections 56, 58, 101, 101.5, 101.6, 101.8, and 101.9, to renumber Section 57.7, to amend and renumber Section 57.5, and to amend the title and Sections 1, 3, 13, 53, 54, 56.6, 57, 67, 86, 92, 100, 201, and 204 of the Unemployment Insurance Act, and to add Sections 57.2, 57.3, 59, 84, and 103 thereto.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 4, of the title of the printed bill, after "92", strike out the comma, and insert "and"; strike out last comma in the line; and in line 5 of the title, strike out "201 and 204".

Amendment No. 2

On page 1, line 3, of said bill, strike out the comma, and insert "and"; and, in line 4, strike out "and disability insurance".

Amendment No. 3

On page 2 of said bill, strike out lines 30 through 33.

Amendment No. 4

On page 3, line 9, of said bill, strike out "; and for the establishment of a", and insert a period.

Amendment No. 5

On page 3 of said bill, strike out lines 10 through 12.

Amendment No. 6

On page 3 of said bill, strike out lines 35 through 39.

Amendment No. 7

On page 6, line 33, of said bill, strike out "; and", and insert a period, and strike out lines 34 through 37.

Amendment No. 8

On page 7, line 15, of said bill, strike out "has presented convincing evidence that he."

Amendment No. 9

On page 8, line 12, of said bill, after "payments", strike out all, and, in line 13, strike out "section".

Amendment No. 10

On page 8 of said bill, strike out lines 22 through 35.

Amendment No. 11

On page 8, line 36, of said bill, strike out "13", and insert "12".

Amendment No. 12

On page 8, line 38, of said bill, strike out "14", and insert "13".

Amendment No. 13

On page 8, line 50, of said bill, after "weeks", strike out all and insert a period; and strike out lines 51 and 52.

Amendment No. 14

On page 9 of said bill, strike out lines 1 through 27.

Amendment No. 15

On page 10 of said bill, strike out lines 6 through 16.

Amendment No. 16

On page 10, line 17, of said bill, strike out "(e)", and insert "(d)".

Amendment No. 17

On page 10, line 35, of said bill, strike out "(f)", and insert "(e)".

Amendment No. 18

On page 11, line 1, of said bill, strike out "15", and insert "14".

Amendment No. 19

On page 11, line 35, of said bill, strike out "16", and insert "15".

Amendment No. 20

On page 12, line 1, of said bill, strike out "17", and insert "16"; in line 2, after "act", strike out all and insert a colon; and strike out line 3.

Amendment No. 21

On page 12, line 22, of said bill, after "unit", insert "wilfully and knowingly".

Amendment No. 22

On page 13, line 25, of said bill, strike out "18", and insert "17"; in line 27, strike out "19", and insert "18"; in line 29, strike out "20", and insert "19"; in line 31, strike out "21", and insert "20"; in line 33, strike out "22", and insert "21"; and in line 35, strike out "23", and insert "22".

Amendment No. 23

On page 14, line 3, of said bill, after "act", strike out all; and, in line 4, strike out "other law of this State so provides,".

Amendment No. 24

On page 14, line 21, of said bill, strike out "24", and insert "23"; in line 28, strike out "25", and insert "24"; and in line 45, strike out "26", and insert "25".

Amendment No. 25

On page 15, line 26, of said bill, after "year" strike out the comma and insert "and"; and after "amount", strike out "and the" and insert a period.

Amendment No. 26

On page 15, line 27, of said bill, strike out all and in line 28, strike out "of each of the claimant's base-period employers,".

Amendment No. 27

On page 16, line 9, of said bill, strike out "27", and insert "26".

Amendment No. 28

On page 16, line 35, of said bill, strike out "-572.99", and insert "and over".

Amendment No. 29

On page 16, strike out lines 36 through 52.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Social Welfare.

Senate Bill No. 802—An act to amend Section 7205 of the Business and Professions Code, relating to the members of the State Board of Guide Dogs for the Blind.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1 of the printed bill, in line 1 of the title, following "7205", insert ", and to add Sections 7214, 7215, 7216, and 7217 to".

Amendment No. 2

In line 3 of the title of said bill, following "Blind", insert ", and the regulation of guide dog schools".

Amendment No. 3

On page 1 of said bill, following line 10, insert

"SEC. 2. Section 7214 is added to the Business and Professions Code, to read: 7214. The license of a school shall be automatically suspended if there is no licensed trainer in charge in the training of guide dogs and in the training of persons in the use of guide dogs. Upon a showing satisfactory to the board that an emergency exists a temporary trainer's permit may be granted under conditions prescribed by the board.

SEC. 3. Section 7215 is added to the Business and Professions Code, to read: 7215. No person shall sell, give or furnish any guide dog or seeing-eye dog unless the following requirements have been met:

- (a) The dog has been immunized against distemper and rabies.
- (b) The dog has been spayed, when appropriate.
- (c) The dog has been examined by a licensed veterinarian and found to be in good health.

A certificate from a veterinarian certifying to the foregoing shall be delivered to the recipient of the dog at the time of delivery of the dog.

SEC. 4. Section 7216 is added to the Business and Professions Code, to read: 7216. The board may refuse to issue a license to a school if the applicant, or any officer or partner, if the applicant is other than an individual, lacks good moral character.

SEC. 5. Section 7217 is added to the Business and Professions Code, to read: 7217. Within sixty days after the end of a calendar year or after the termination of the fiscal year of a school, there shall be furnished to the board the following: (a) A list of students accepted for training and those who have completed training.

- (b) A list of the number of dogs trained.
- (c) Financial statement of the guide dog training activities of the school."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 813—An act to amend Section 9512 of the Business and Professions Code, relating to establishments regulated by the State Board of Dry Cleaners.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1 of the printed bill, in line 1 of the title, following "amend", strike out "Section 9512 of", and insert "Sections 9510, 9512, 9540.2, 9551, 9564, of, and to add Section 9524 to".

Amendment No. 2

On page 1 of said bill, preceding line 1, insert

"SECTION 1. Section 9510 of the Business and Professions Code is amended to read:

9510. Any advertisement of the service of *dry cleaning*, spotting, sponging, or pressing constitutes prima facie evidence that the premises, room, shop, store, or establishment in or upon which it appears, or to which it refers, is a service outlet or inlet."

Amendment No. 3

On page 1 of said bill, in line 1 following "Section", strike out "1", and insert "2".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 4

On page 1 of said bill, following line 6, insert

"SEC. 3. Section 9540.2 of the Business and Professions Code is amended to read:

9540.2. An applicant may qualify in regard to his knowledge in the following ways:

(a) If an individual, he [must] *may* qualify by personal appearance or by the *appearance of a managing employee*.

(b) If a copartnership, a corporation, or any other combination or organization, it may qualify by the appearance of the managing employee, the managing officer or other member of the personnel of such applicant firm.

If the individual qualifying by the examination of his experience and knowledge ceases, for any reason whatsoever, to be connected with the licensee to whom the license is issued, or if any individual who has been denied a license, or who has had a license revoked, or whose license is under suspension, or who has failed to renew his license while it was under suspension, or has been a member, officer, director, associate, managing employee or responsible managing officer of any partnership, corporation, firm or association whose application for a license has been denied, or whose license has been revoked, or whose license is under suspension, or who has failed to renew its license while it was under suspension, shall in any way become associated with a licensee as a partner, member, officer, director, associate, or managing employee, the licensee shall notify the board in writing within ten days from such cessation, association or employment. If a notice is given the license shall remain in force for a reasonable length of time to be determined by rules of the board.

If the licensee fails to notify the board within the ten-day period, at the end of the period his license shall be ipso facto suspended. The license shall be reinstated upon the filing of an affidavit, executed by the licensee or a member of the licensee firm and filed with the board, to the effect that the person originally appearing for examination on behalf of the licensee has been replaced by another individual and that this individual has been qualified by examination and that he has not had his license suspended or revoked or that he has not been connected with a licensee who has had his license suspended or revoked for reasons that would preclude this individual from personally qualifying as to the good character required by an applicant.

SEC. 4. Section 9551 of the Business and Professions Code is amended to read:

9551. Every person who desires to obtain a certificate of registration shall first apply to the board, upon a form prescribed by the latter, for an investigation and examination. The application shall be accompanied by the examination fee prescribed by this chapter.

The applicant shall submit with his application evidence showing that he possesses competent knowledge of the particular branch of the industry in which he wishes to engage, and that he has the character, ability and fitness therefor.

SEC. 5. Section 9564 of the Business and Professions Code is amended to read:

9564. Upon receipt of a petition under this article the board shall investigate and ascertain those minimum prices, *based upon minimum standards established by the board*, which will enable cleaners, dyers, or pressers in that city or county or other area to furnish modern, proper, healthful and sanitary services, using such appliances and equipment as will minimize the danger to public health and safety incident to such services.

SEC. 6. Section 9524 is added to the Business and Professions Code, to read: 9524. No license or registration certificate shall be issued to any person who has an infectious, contagious, or communicable disease."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 1185—An act to amend Section 2552 of the Business and Professions Code, relating to the qualifications of dispensing opticians.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 2 of the printed bill, after line 18, insert

"No person licensed under Chapter 5 of this division may have any membership, proprietary interest, or co-ownership in any form in or with any person licensed under Chapter 5.5 of this division to whom patients, clients, or customers are referred, or any profit-sharing arrangement."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 1188—An act to amend Section 8506 of the Business and Professions Code, relating to structural pest control.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 2, line 2, of the printed bill, following "exceed", strike out "6 months", and insert "1 year".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1190—An act to amend Sections 8507, 8520, 8554, and 8620 of the Business and Professions Code, relating to structural pest control.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 13 and 14.

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1198—An act to amend Sections 8560, 8562, 8564, 8565, and 8566 of the Business and Professions Code, relating to structural pest control.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 2, line 25, of the printed bill, following "4", strike out "to", and insert "and".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 36—An act to add Section 2137.1 to the Business and Professions Code, relating to the practice of medicine within state institutions, prisons, or homes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1191—An act to add Sections 8514 and 8515 to the Business and Professions Code, relating to structural pest control.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1193—An act to amend Sections 8592 and 8610 of the Business and Professions Code, relating to structural pest control.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1195—An act to amend Section 8567 of, and to repeal Section 8572 of the Business and Professions Code, relating to structural pest control.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1196—An act to amend Section 8674 of the Business and Professions Code, relating to structural pest control.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 797—An act to amend Sections 2141, 2142, 2319, 2426, and 2435 of the Business and Professions Code, relating to the practice of the healing arts and the regulation and licensing thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 2, line 13, of the printed bill, following "demeanor", strike out "for the first offense".

Amendment No. 2

On page 2 of said bill, strike out lines 17 to 21, inclusive.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 463—An act to amend Sections 12701, 12704, 12706, and 12707 of the Business and Professions Code, relating to public weighmasters.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 3 of the printed bill, strike out line 7, and insert "by the department. Such approval shall not be required of a public weighmaster when using public weighmaster certificate forms for which approval has been previously received by the printer, stationer or other supplier whose business includes the supplying of such approved forms.

Public weighmaster certificate forms shall".

Amendment No. 2

On page 3 of the printed bill, in line 26, after "who", insert "knowingly".

Amendment No. 3

On page 3 of the printed bill, strike out lines 30 to 32, inclusive, and insert "measures, is guilty of a misdemeanor."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 795—An act to add Article 6 to Chapter 1, Division 2 of the Business and Professions Code, relating to licenciates of boards within the Department of Professional and Vocational Standards and including rebate refunds and unearned discounts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 4 of the title of the printed bill, as amended in Senate April 19, 1949, strike out "rebate, refunds and unearned", and insert "unearned rebates, refunds and".

Amendment No. 2

On page 1, line 2, of said bill, strike out "653", and insert "654".

Amendment No. 3

On page 1 of said bill, strike out all of line 5, and insert
"Article 6. Unearned Rebates, Refunds and Discounts"

Amendment No. 4

On page 1, line 8, of said bill, strike out ", or Division 3, of any" and insert "of any unearned".

Amendment No. 5

On page 1, line 17, of said bill, strike out "unearned discount, or" and insert "discount, or other unearned".

Amendment No. 6

On page 2 of said bill, after line 19, insert
"654. No person licensed under Chapter 5 of this division may have any membership, proprietary interest or co-ownership in any form in or with any person licensed under Chapter 5.5 of this division to whom patients, clients or customers are referred or any profit-sharing arrangements."

Amendment No. 7

On page 2, line 11, of said bill, following the period, insert "The proceedings for suspension or revocation shall be conducted in accordance with the Administrative Procedure Act, Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and each board shall have all the powers granted therein."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 996—An act to amend Section 72 of the Labor Code, relating to the Industrial Welfare Commission.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2073—An act to amend Section 3209.3 of the Labor Code, relating to workmen's compensation and insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 160—An act to add Section 1197.5 to the Labor Code, relating to the prohibition of discrimination on the basis of sex by employers in the payment of wages or salaries.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Labor :

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 15, inclusive, and insert "1197.5. No employer shall pay any female in his employ at wage rates less than the rates paid to male employees in the same establishment for the same quantity and quality of the same classification of work; provided, that nothing herein shall prohibit a variation of rates of pay based upon a difference in seniority, length of service, ability, education, experience, training, skill, difference in duties or services performed, whether regularly or occasionally, or in the shift or time of day worked, or in availability for other operations normally performed in the business of the employer or other reasonable differentiation, factor or factors other than sex.

A variation in rates of pay as between the sexes is not prohibited where the variation is provided by contract between the employer and the recognized bargaining agent of the employees.

Differences in time, hours of work, interruptions of work for rest periods or restrictions or prohibitions on lifting or moving of objects in excess of a specified weight, when in good faith based on such differences, whether or not required by any statute or regulation or order of any board or commission, whether federal, state or local, authorized to issue the same shall justify a difference in the rate of pay for male and female employees engaged in the same classification of work.

Any action based upon or arising under this section shall be instituted within six months after the date of the alleged violation, but in no event shall any employer be liable for any pay due under this section for more than thirty days prior to receipt by the employer of written notice of claim thereof from the employee.

The burden of proof shall be upon the person bringing the claim to establish that the differentiation in rate of pay is based upon the factor of sex and not upon other factors."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Assembly Bill No. 2858—An act to add Section 1509.7 to the Elections Code, relating to measures submitted to the voters.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1456—An act to add Section 1513.2 to, and to amend Section 3812 of, the Elections Code, relating to measures submitted to the voters of the State.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1874—An act to amend Sections 3454, 3457, 3476a, and 3479 of the Political Code, relating to reclamation districts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 21, of the printed bill as amended in the Assembly April 8, and April 15, 1949, strike out "received", and insert "receive".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 427—An act to add Section 641.1 to the Welfare and Institutions Code, relating to the powers and duties of probation officers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 771—An act to amend Section 2300 of the Welfare and Institutions Code, relating to institutions and boarding homes for aged persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1270—An act to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved by electors November 7, 1922, by adding Section 8.1 thereto, relating to the rights of blind person in respect to the study and practice of chiropractic, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1667—An act to amend Section 726 of the Welfare and Institutions Code, relating to the issuance of a citation to appear.

Bill read second time, and ordered to third reading.

Assembly Bill No. 323—An act to amend Section 41.5 of the Unemployment Insurance Act, relating to transfer of employers' reserve accounts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 2 of the printed bill as amended in the Senate May 9, 1949, strike out all of line 50, and insert "in the same proportion that assets are distributed among the participating employers, and".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2632—An act to add Sections 141 and 141.5 to the Welfare and Institutions Code, relating to warrants issued by the State Controller for old age security and security for the blind, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 2, lines 19 and 20, of the printed bill, as amended in Assembly April 14, 1949, strike out "Section 140 of the Welfare and Institutions Code, which provides", and insert "Sections 29800 to 29806, inclusive, of the Government Code, which provide".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 797—An act to amend Section 7302 of the Business and Professions Code, relating to cosmetology.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 1 of the title of the printed bill, following "7302 of", insert ", and to add Section 7317 and Section 7437.5 to".

Amendment No. 2

On page 1 of said bill, following line 29, insert

"SEC. 2. Section 7317 is added to the Business and Professions Code, to read: 7317. The board shall appoint commissioners on examination to conduct the practical and oral examinations. No person shall be appointed as a commissioner who (a) is subject to any of the prohibitions of Section 7302 of this code, (b) has not had five years of experience in the practice of cosmetology, and/or as a licensed instructor, in this state immediately prior to appointment.

The provisions of this section shall become effective July 1, 1950.

SEC. 3. Section 7437.5 is added to the Business and Professions Code, to read: 7437.5. Notwithstanding the provisions of Section 7437, any hairdresser and cosmetician or cosmetologist manager operator, hairdresser and cosmetician or cosmetologist, instructor, electrologist, manicurist or permanent waver whose right to a restoration of license under said section expired during the period commencing December 7, 1941 and ending with the termination of hostilities, may have such license restored upon payment of all lapsed renewal and delinquency fees; provided

that application for such restoration must be made within ninety days from the date this section takes effect."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Call of the Senate

Senator Watson moved a call of the Senate.

Motion carried.

PROCEEDINGS UNDER CALL OF THE SENATE CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF SENATE BILLS

Senate Bill No. 1251—An act to amend Section 185 of the Vehicle Code, relating to transfer without probate.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Collier, Crittenden, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Salsman, Sutton, Tenney, Watson, and Williams—24.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 366—An act to amend Section 205.5 of the Agricultural Code, relating to animal diseases.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, after the enacting clause and before line 1, insert "SECTION 1. Section 205.5 of the Agricultural Code is amended to read:"

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Concurrent Resolution No. 56—Relative to the visit of the Legislature to Shasta Dam.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Dillinger, Dilworth, Drobish, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Watson, and Williams—25.
NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1038—An act to add Division 3, comprising Sections 28000 to 28501, inclusive, to Title 4 of and Section 100007 to the Corporations Code, thereby codifying and repealing the Retirement

Systems Act, and consolidating and revising the law relating to the establishment of retirement systems to provide benefits in respect to the retirement or death of members thereof, and to licensing and supervision of such retirement systems by the Commissioner of Corporations.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Crittenden, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1749—An act to amend Sections 6726 and 7012.5 of the Welfare and Institutions Code, relating to the support of mental patients in boarding homes, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Salsman.

Urgency Clause

Urgency clause read.

Motion Re Quorum Call of Senate

Senator Salsman moved that the call of the Senate for a quorum be applied to the adoption of the urgency clause to Assembly Bill No. 1749.

Motion carried.

Assembly Bill No. 236—An act to amend Sections 1394 and 1308 of the Labor Code, relating to activities of minors.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Crittenden, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 77—Relative to approving amendments to the charter of the City of Oroville, a municipal corporation in the County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the eleventh day of April, 1949.

Resolution read, and presented by Senator Drobish.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 13, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 81

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

POWERS, Chairman

REQUEST FOR UNANIMOUS CONSENT

Senator O'Gara asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 81, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 81

Assembly Concurrent Resolution No. 81—Relative to I Am an American Week.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 996

Senator Rich moved that Assembly Bill No. 996 be re-referred to Committee on Finance.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2057—An act to amend Section 19251 of the Government Code, relating to incompatible employment of state employees.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 11.28 a.m., on motion of Senator Salsman, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 1749 adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—27.

NOES—None.

The President directed the Secretary to call the roll on final passage of Assembly Bill No. 1749.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Salsman moved a call of the Senate.

Motion carried. Time 11.20 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2038—An act to amend Sections 18935, 18936, and 18937 of, and to add Section 18939 to, the Government Code, relating to state civil service examinations.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2040—An act to amend Sections 18802 and 18804 of the Government Code, relating to the reclassification of state employees.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Johnson, Keating, Kraft, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—22.

NOES—Senators Miller and O'Gara—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2045—An act to amend Sections 19170, 19173, and 19175 of the Government Code, and to add Section 19175.5, relating to the probationary period of state employees.

Bill read third time.

Motion to Amend

Senator Tenney moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 14, of the printed bill, as amended in the Assembly April 14, 1949, after "faith," insert "At any such hearing the rejected probationer shall have

the burden of proof; subject to rebuttal by him, it shall be presumed that the rejection was free from fraud and bad faith and that the statement of reasons therefor in the notice of rejection is true."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Assembly Bill No. 2062—An act to add Section 18002.5 to the Government Code, relating to wage deduction statements.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Tenney, Watson, and Williams—24.

NOES—Senator Sutton—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 449—An act to amend Sections 117 and 117r of the Code of Civil Procedure, relating to small claims actions.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 715—An act to amend Sections 413, 1011, and 1013 of the Code of Civil Procedure and to amend Section 328 of the Probate Code, relating to service of process.

Bill read third time, and presented by Senator O'Gara.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Dillinger, Donnelly, Dorsey, Drobish, Hulse, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1194—An act to amend Section 1170 of the Probate Code, relating to real property affected by the death of any person, providing for filing of a petition with respect thereto.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 695—An act to amend Section 1126 of the Probate Code, relating to testamentary trusts.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 697—An act to amend Section 645 of the Probate Code, relating to the setting aside of estates without administration.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 703—An act to amend Section 1080 of the Probate Code, relating to distribution of estates.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1099—An act to amend Section 581a of the Code of Civil Procedure, relating to dismissal on lack of prosecution.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 12.01 p.m., on motion of Senator Salsman, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 1749 passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Keating,

Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1541—An act to amend Section 259a of the Code of Civil Procedure, relating to duties of court commissioners, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

Urgency Clause

Urgency clause read, and adopted by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—27.

NOES—None.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2177—An act to amend Sections 1184e of the Code of Civil Procedure, relating to claims of laborers or materialmen on public contracts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Burns, Crittenden, Desmond, Dillinger, Dilworth, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 556—An act adding Sections 32039, 32040, 32339, and 32340 to the Government Code, relating to retirement systems for peace officers, foresters, firewardens, and county fire protection dis-trict firemen.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1203—An act to amend Section 163, 164, 167, 168, 175, 180, 187, 223, 224, 252, and 253 of, and to add Section 212 to, the Military and Veterans Code, relating to the military forces of the State.

Bill read third time, and presented by Senator Abshire.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 422—An act to add Sections 3a, 16a, 16b, 16c, 16d, 16e, and 16 $\frac{1}{2}$ to the Los Angeles County Flood Control Act, relating to the Los Angeles County Flood Control District.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Crittenden, Desmond, Donnelly, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 894—An act to amend Section 21100 of the Water Code, relating to irrigation district offices.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Crittenden, Desmond, Donnelly, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2275—An act to amend an act entitled "An act to amend Section 5032 of the Public Resources Code, relating to Mission Bay State Park, and making an appropriation to the State Division of Beaches and Parks, Department of Natural Resources, for development, and improvement of Mission Bay Park, to take effect immediately," approved July 17, 1945, relating to the Mission Bay State Park in San Diego County, California.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Crittenden, Desmond, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 770—An act to amend Section 5700 of the Welfare and Institutions Code, relating to private institutions for the care

or treatment of insane, alleged insane, mentally ill, or other incompetent persons.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Crittenden, Desmond, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 361—An act adding Sections 31681 and 31738 to the Government Code, relating to retirement allowances.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 656—An act to amend Section 511.2 of the Vehicle Code, relating to speed limits upon highways.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2945—An act to add Section 754.6 to the Probate Code, relating to the sale of property in probate.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 705—An act to amend Section 801 of the Probate Code, relating to the sale of property in probate.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Burns, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Powers, Rich, Salsman, Sutton, Tenney, Watson, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 56—Relative to the report of the annual convention of the Disabled American Veterans of the Department of California.

Resolution read, and presented by Senator Keating.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Brown, Burns, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Powers, Rich, Sutton, Tenney, Watson, and Williams—21.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 441—An act to amend Section 829.3 of the Agricultural Code, relating to standard packs for cantaloupes.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Powers, Rich, Sutton, Tenney, Watson, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTIONS TO RECONSIDER

Senate Bill No. 298—An act to add Article 10 to Chapter 4, Division 3, of the Business and Professions Code, relating to loyalty of attorneys.

Request for Unanimous Consent

Senator Tenney asked for, and was granted, unanimous consent to have his motion to reconsider the vote whereby the amendment to Senate Bill No. 298 was adopted, postponed until the next legislative day.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1374

Senator Tenney moved that Senate Bill No. 1374 be withdrawn from Committee on Public Health and Safety for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1374—An act to add Section 29032 to the Health and Safety Code, relating to dangerous drugs.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out all of line 1, and insert

"An act to amend Sections 29001, 29004, 29020, 29022, 29023, 29026, 29027, and 29043 of, to add Sections 29012, 29013, 29024.01, 29024.02, 29024.03, 29024.04, 29024.05, 29024.06, 29024.07, 29024.08, 29024.09, 29024.10, 29024.12, 29024.13, 29024.14, 29024.15, 29024.16, 29032, and Chapters 1.1 and 1.2 to Division 22 of, and to repeal Section 29030 of, the Health and Safety Code,".

PRINTER'S NOTE--There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1, strike out all of lines 1 to 5, inclusive, and insert

"SECTION 1. Section 29001 of the Health and Safety Code is amended to read:

29001. "Dangerous drug" means any drug unsafe for self medication and includes the following:

(a) Any hypnotic drug. "Hypnotic drug" includes acetylurea derivatives, barbituric acid [or malenylurea] derivatives, chloral, paraldehyde, phenylhydantoin derivatives, sulfonmethane derivatives, or any compounds or mixtures or preparations [thereof] that may be used for producing hypnotic effects.

(b) Aminopyrine, or compounds or mixtures thereof.

(c) Amphetamine, desoxyephedrine, or compounds or mixtures thereof [except preparations for use in the nose and unfit for internal use].

(d) Cinchophen, neocinchophen, or compounds or mixtures thereof.

(e) Diethylstilbestrol, or compounds or mixtures thereof.

(f) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof, and except preparations designed for the purpose of treating animals (other than man) or poultry and so labeled.

(g) Oils of croton, rue, savin or tansy or their contained or derived compounds or mixtures thereof.

(h) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five percent (5%) strength, and except preparations designed for the purpose of treating animals (other than man) or poultry and so labeled.

(i) Thyroid and its contained or derived active compounds or mixtures thereof.

(j) "(A) and (c)" drugs mean those drugs defined and enumerated in subsections (a) and (c) of Section 29001.

SEC. 2. Section 29004 of said code is amended to read:

29004. "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher [or indirectly by means of an order signed by the prescriber] and shall bear the name and address of the prescriber, his license classification, the name and address of patient, name and quantity of drug or drugs prescribed; directions for use and the date of issue.

SEC. 3. Section 29012 is added to said, to read:

29012. "Licensee" means any person who holds a valid, unrevoked "a and c" dangerous drugs license issued by the board pursuant to this division.

SEC. 4. Section 29013 is added to said code, to read:

29013. (a) "Purchase Order Form" as used in this division means the official form furnished by the board to licensees for the purchase of "a and c" drugs without a prescription.

(b) The purchase order form mentioned in this division shall be on a blank substantially in the following form:

Serial No. _____

Date _____

To _____
Address _____

Your Are Requested to Furnish to The Undersigned The Following "a and c" Drugs:

Drug	Grains each (Space)	Quantity
"A and c" Drug	Signed _____	
License No. _____	Address _____	
	License Qualification _____	

SEC. 5. Chapter 1.1 is added to Division 22 of said code, to read:

CHAPTER 1.1. LICENSES

29014. "Hypnotic License." Every person who furnishes or prescribes any "a and c" drugs to any other person shall first obtain from the board an "a and c" dangerous drugs license, which license shall expire on the thirty-first day of October and shall be renewed annually and shall not be transferable. Application for such license shall be made upon a form provided by the board. Upon the approval of such application by the board and the payment of the fee required by the chapter and upon such additional information as to the applicant's qualifications as the board may desire, the board shall issue a license to sell "a and c" drugs.

The board shall issue four kinds of "a and c" dangerous drugs licenses. Wholesaler (and/or manufacturer), retailer, licensed prescriber, and laboratory. Licenses

shall be issued only to those properly qualifying. One license shall be obtained for each separate location where "a and c" drugs are dealt in, carried in stock, or sold.

29015.1. The fee for a wholesaler's "a and c" dangerous drugs license shall be five dollars (\$5). A wholesaler may furnish "a and c" drugs in the usual manner of conducting transactions at wholesale, but only to licensees, and he shall place on the invoice in connection with each transaction the license number of the purchaser and his own license number.

29015.2. A manufacturer who has a wholesaler's license shall follow the rule of this chapter regulating transactions by a wholesaler licensee to other licensees.

29015.3. The fee for a retailer's "a and c" dangerous drugs license shall be five dollars (\$5). A retailer's license shall be issued only to pharmacies licensed under the provisions of Chapter 9 of Division 2 of the Business and Professions Code.

29015.4. Retailers may purchase or receive "a and c" drugs only from licensed wholesalers on orders submitted on official purchase order forms by the retailer, which order shall bear the signature of the person making the order, together with the name and address.

29015.5. The fee for a licensed prescriber's "a and c" dangerous drugs license shall be five dollars (\$5).

A licensed prescriber's license shall be issued only to a person who holds a valid, unrevoked license as a physician and surgeon, dentist, chiroprapist, or veterinarian.

29015.6. A licensed prescriber may purchase or receive "a and c" drugs for professional use only. He may purchase or receive from a licensed wholesaler or retailer on official purchase order forms submitted by the prescriber's license number and the signature of the prescriber. Delivery of the "a and c" drugs ordered shall be made only to the licensed prescriber signing the order or to his responsible agent.

29015.7. Purchase order forms for "a and c" drugs by licensed prescribers shall be filed as follows: By wholesalers, in the manner prescribed for filing orders from licensed retailers; and by retailers, in the manner prescribed for filing the prescriptions of licensed prescribers.

29015.8. A licensed prescriber may supply his own patient with such remedies as he may if he acts as his physician and is employed as such.

29015.9. The fee for a laboratory "a and c" dangerous drug license shall be five dollars (\$5). A laboratory may purchase or receive "a and c" drugs only from licensed wholesalers on orders submitted on official purchase order forms by the laboratory, which order shall bear the signature of the person making the order, together with the name and address of the licensed laboratory as shown on its license. Delivery of "a and c" drugs ordered shall be made only at the licensed laboratory's recorded address. A licensed laboratory shall maintain an accurate record of disposition of all "a and c" drugs received by it, and such record shall be maintained in a book kept solely for such purpose and it shall constitute a record of accountability as referred to in Section 29018.1 of this division.

29016. The board shall issue an "a and c" dangerous drugs license to any applicant authorized by any law of the State of California to prescribe for or furnish dangerous drugs and who has complied with all the provisions of this division. The application for an "a and c" dangerous drugs license shall be made upon a form furnished by the board and shall state the name and business address of the applicant, together with a statement of his qualifications and such other information as may, in the opinion of the board, be necessary.

SEC. 6. Chapter 1.2 is added to Division 22 of said code, to read:

CHAPTER 1.2. INVENTORIES

29018. (a) Every licensee shall within thirty days after the issuance of his "a and c" dangerous drugs license prepare and sign under oath or affirmation a duplicate inventory of all "a and c" drugs on hand as of the date of inventory. The original shall be immediately forwarded to the board and the duplicate retained by the licensee for a period of three years.

(b) Every licensee shall, at the time of applying for a renewal of his "a and c" dangerous drugs license, prepare and sign under oath or affirmation a duplicate inventory of all "a and c" drugs on hand as of the date of inventory. The original of such inventory shall be forwarded to the board along with the license renewal application, and the duplicate retained by the licensee for a period of three years.

29018.1. Every licensee shall keep on suitable files maintained solely for the purpose, all purchase order forms, inventories, prescriptions, etc., required by this division to be executed in the lawful furnishing or disposition of "a and c" drugs, and such files and records shall be open to inspection by peace officers.

29018.2. Every licensee shall, on request by authorized peace officers acting in the performance of their duties, make accounting of all "a and c" drugs which have at any time been in the possession of the licensee, either by producing the drug or drugs or by proper records accounting for their lawful disposition, or by both such methods.

SEC. 7. Section 29020 of said code is amended to read:

29020. No person shall furnish any "a and c" drug to any other person except upon the prescription of a physician and surgeon, dentist, chiroprapist, or veterinarian.

which prescription must be wholly in the handwriting of and signed by the prescriber, or upon the receipt of a properly executed official purchase order form from "a and c" licensee.

No person shall furnish any dangerous drug other than "a and c" drugs except upon the prescription of a physician and surgeon, dentist, chiropodist, or veterinarian.

The provisions of this section do not apply to the [sale] furnishing of any dangerous drug other than "a and c" drugs by a manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, chiropodist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and buyer, the drug and its quantity.

The provisions of this section with regard to "a and c" drugs do not apply to a physician, dentist, chiropodist, or veterinarian licensed under the provisions of this division who had complied with the requirements of Section 29024.13.

SEC. 8. Section 29022 of said code is amended to read:

29022. No person shall refill any prescription for any "a and c" drug. No person shall refill any prescription for any [hypnotic] dangerous drug other than "a and c" drugs, [nor shall any prescription for any dangerous drug be refilled except upon authorization of the prescriber which may be given with the original prescription,] except that a prescription for diphenylhydantoin, [aminopyrine,] thyroid or the contained or derived active compounds or mixtures of any thereof, may be refilled for the person for whom prescribed, but only in the amount specified in the prescription.

SEC. 9. Section 29023 of said code is amended to read:

29023. No person shall have in possession any [hypnotic] drug or any preparation included in subdivision (e) of Section 29001 "a and c" drugs, except that furnished to such person upon the prescription of a physician, dentist, chiropodist or veterinarian.

The provisions of this section do not apply to the possession of [any said drug by a manufacturer or wholesaler] "a and c" drugs by a licensed wholesaler, (manufacturer) or pharmacy or physician or dentist or chiropodist or veterinarian or laboratory when in stock in containers correctly labeled [with the name and address of the supplier].

SEC. 10. Section 29024.01 is added to said code, to read:

29024.01. No person shall write, issue, fill, compound, or dispense a prescription or write or issue a purchase order form that does not conform to the provisions of this division.

SEC. 11. Section 29024.02 is added to said code, to read:

29024.02. Except in the regular practice of his profession, no person shall prescribe, administer, or furnish any dangerous drug to or for any person who is not under his treatment for a pathology.

SEC. 12. Section 29024.03 is added to said code, to read:

29024.03. No person shall file a prescription for any "a or c" drug unless it is tendered to him on or before the seventh day following the date of issue.

SEC. 13. Section 29024.04 is added to said code, to read:

29024.04. No person shall issue a purchase order form for any "a and c" drug unless it is wholly written in his handwriting, signed and dated by him as of the date on which it is written, giving the name and address of the purchaser, his license qualification if he is authorized to issue prescriptions, the name and address of the person to whom issued, the name and quantity of the "a and c" drug ordered.

SEC. 14. Section 29024.05 is added to said code, to read:

29024.05. Purchase order forms shall be furnished by the board in serially numbered groups of 50 forms in triplicate each, to any person licensed under the provisions of the division. Such purchase order forms shall not be transferable. Any person possessing any purchase order form otherwise than is provided in this division is guilty of a misdemeanor.

SEC. 15. Section 29024.06 is added to said code, to read:

29024.06. Not more than one such purchase order form group shall in any case be furnished by the board to the same person at the same time.

SEC. 16. Section 29024.07 is added to said code, to read:

29024.07. All orders for any "a and c" drugs shall be on the official purchase order forms and shall be written in triplicate, the original and duplicate signed by the licensee.

SEC. 17. Section 29024.08 is added to said code, to read:

29024.08. Except as otherwise herein provided, the original and a duplicate of the completed purchase order form shall be delivered to the person filling the order, who shall retain the original and write upon the duplicate in ink the date of filling such order. The original shall be retained for a period of three years and the duplicate forwarded to the board within thirty days after date of filling.

The triplicate of the purchase order form shall be retained by the person issuing the order for a period of three years.

All records of such purchase order forms shall be open to inspection by peace officers in the performance of their duties.

SEC. 18. Section 29024.09 is added to said code, to read:

29024.09. Within twenty-four hours after any purchaser in this State gives any order to, or makes any contract or agreement for purchases from or sales by, any out-of-state person of any "a and c" drug for delivery in this State, the purchaser shall forward the original order to the out-of-state person, retain a duplicate for not less than three years, forward a triplicate with a true and correct copy of any other order, contract or agreement for such purchase to the board by registered mail.

SEC. 19. Section 29024.10 is added to said code, to read:

29024.10. It is unlawful for any person to whom an "a and c" dangerous drugs license has been issued, to have in possession any "a and c" drug in excess of or in a lesser amount than that shown upon the records of such person, as required to be kept under the provisions of this division.

SEC. 20. Section 29024.12 is added to said code, to read:

29024.12. (1) No person shall obtain or attempt to obtain "a and c" drugs, or procure or attempt to procure the administration of or prescription for "a and c" drugs (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the concealment of a material fact.

(2) No person shall make a false statement in any prescription, order, report, or record, required by this division.

(3) No person shall, for the purpose of obtaining dangerous drugs, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, chiropodist or veterinarian, or other authorized person.

(4) No person shall affix any false or forged label to a package or receptacle containing dangerous drugs.

(5) It is unlawful for any person to give a fictitious or false name or address, or make any false representation to the buyer or seller of any "a and c" drug; provided, however, the prohibitions of this section shall not apply to an officer or inspector of the board, nor to any other peace officer nor to any person acting under the supervision of said officers in the performance of the duties enjoined on them by law.

SEC. 21. Section 29024.13 is added to said code, to read:

29024.13. Every physician, dentist, chiropodist or veterinarian who furnishes any "a and c" drug to any other person, or for an animal, shall make an entry in ink in his handwriting in a book kept solely for the purpose, stating the name and address of the person to whom furnished, or the owner of the animal for which furnished, the purpose of condition for which the "a and c" drug was furnished, and the name and quantity of the "a and c" drug furnished. The entry shall be made out in full by the person furnishing said drug and he shall affix his signature to the entry. The book referred to in this section shall be preserved for at least three years from the date of last entry and shall be available at all times to inspection by peace officers in the performance of their duties.

SEC. 22. Section 29024.14 is added to said code, to read:

29024.14. No person shall furnish any "a and c" drug to any other person unless such furnisher has a valid unrevoked "a and c" dangerous drug license at the time of so doing.

SEC. 23. Section 29024.15 is added to said code, to read:

29024.15. Violation of any section of this division shall be grounds for the revocation or suspension of any "a and c" dangerous drug license issued under the provisions of this division.

SEC. 24. Section 29024.16 is added to said code, to read:

29024.16. It is unlawful for any licensee under this division to store, keep, or possess any "a and c" drugs at any place or address other than the place or address for which his "a and c" dangerous drug license has been issued; provided, however, that this section shall not prevent a duly licensed physician, dentist, chiropodist or veterinarian from carrying with him "a and c" drugs in an amount necessary for the practice of his profession.

SEC. 25. Section 29026 of said code is amended to read:

29026. Every person who violates any provision of this chapter, with respect to any hypnotic "a and c" drug [is guilty of a misdemeanor punishable] shall, upon conviction, be punished by a fine of not less than [fifty dollars (\$50)] two hundred fifty dollars (\$250) nor more than [five hundred dollars (\$500)] one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding [six months] one year, or by both such fine and imprisonment; provided, that every person convicted of a violation of Section 29020 with respect to "a and c" drugs shall upon a subsequent conviction thereof be punished by imprisonment in the county jail for a term not less than six months, or in the state penitentiary for a term not to exceed six years. [Upon a third or subsequent conviction involving a violation respecting hypnotics, the board which granted a professional license to any such defaulter shall institute and maintain proceedings for the forfeiture of such license.]

SEC. 26. Section 29027 of said code is amended to read:

29027. Every person who violates any provision of this [chapter] division with respect to "a and c" drugs by use of a minor as an agent or by unlawfully furnishing any [hypnotics or dangerous] "a and c" drug to a minor shall be punished [as for contributing to the delinquency of such minor.] by imprisonment in the county jail

for a term not to exceed one year, or in the state penitentiary for a term not to exceed six years.

SEC. 27. Section 29030 of said code is repealed.

SEC. 28. Section 29043 of said code is amended to read:

29043. The board, upon payment of a fee charged, shall upon request furnish any person with a copy of the laws or regulations relating to dangerous drugs, the furnishing or possession of which is restricted by this division or by further rules of the board.

SEC. 29. Section 29032 is added to said code, to read:

29032. Notwithstanding any other provision in this chapter, no person shall furnish any hypnotic drug except on official triplicate prescription blanks, all three copies of which shall be signed by the prescriber and issued by a physician, dentist, chiropodist or veterinarian, or except where the hypnotic is compounded in a capsule, tablet, pill, cachet, lozenge, chewing gum or liquid preparation with a nontoxic safeguarding drug, for example, ipecac in such proportion as to render a large dose of the mixture nauseant or emetic. Prescriptions which qualify under this exception can be written on standard prescription blanks and may be refilled for the patient for whom prescribed in amounts not to exceed the amount originally specified. Refills shall be permissible from the original date of prescription issue and then must be confirmed or reauthorized by the prescriber in writing or by telephone at intervals not to exceed six months.

Any person or persons found guilty of violating the regulatory provisions of this amendment shall be deemed guilty of having committed a felony."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 52

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 6	Senate Bill No. 812
Senate Bill No. 8	Senate Bill No. 816
Senate Bill No. 202	Senate Bill No. 826
Senate Bill No. 229	Senate Bill No. 852
Senate Bill No. 263	Senate Bill No. 971
Senate Bill No. 380	Senate Bill No. 1032
Senate Bill No. 384	Senate Bill No. 1041
Senate Bill No. 488	Senate Bill No. 1130
Senate Bill No. 551	Senate Bill No. 1171
Senate Bill No. 558	Senate Bill No. 1246
Senate Bill No. 666	Senate Bill No. 1337
Senate Bill No. 675	Senate Bill No. 1406
Senate Bill No. 699	Senate Bill No. 1545
Senate Bill No. 741	Senate Bill No. 1610
Senate Bill No. 742	Senate Bill No. 1617

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered enrolled.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Constitutional Amendment No. 34: By Senator Brown—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article

XIII thereof, relating to the taxation of property and exemption from taxation of property belonging to the State and local governmental agencies.

Referred to Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 13, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 191

And reports the same correctly re-engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 13, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 126

Senate Bill No. 1029

Senate Bill No. 477

Senate Bill No. 1625

Senate Concurrent Resolution No. 58

And reports the same correctly engrossed.

POWERS, Chairman

Committee on Education

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 130

Assembly Bill No. 970

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 5; noes 3; absent 1.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 1395

Assembly Bill No. 1207

Assembly Bill No. 1511

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:

Assembly Bill No. 1510

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 1420

Assembly Bill No. 1926

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

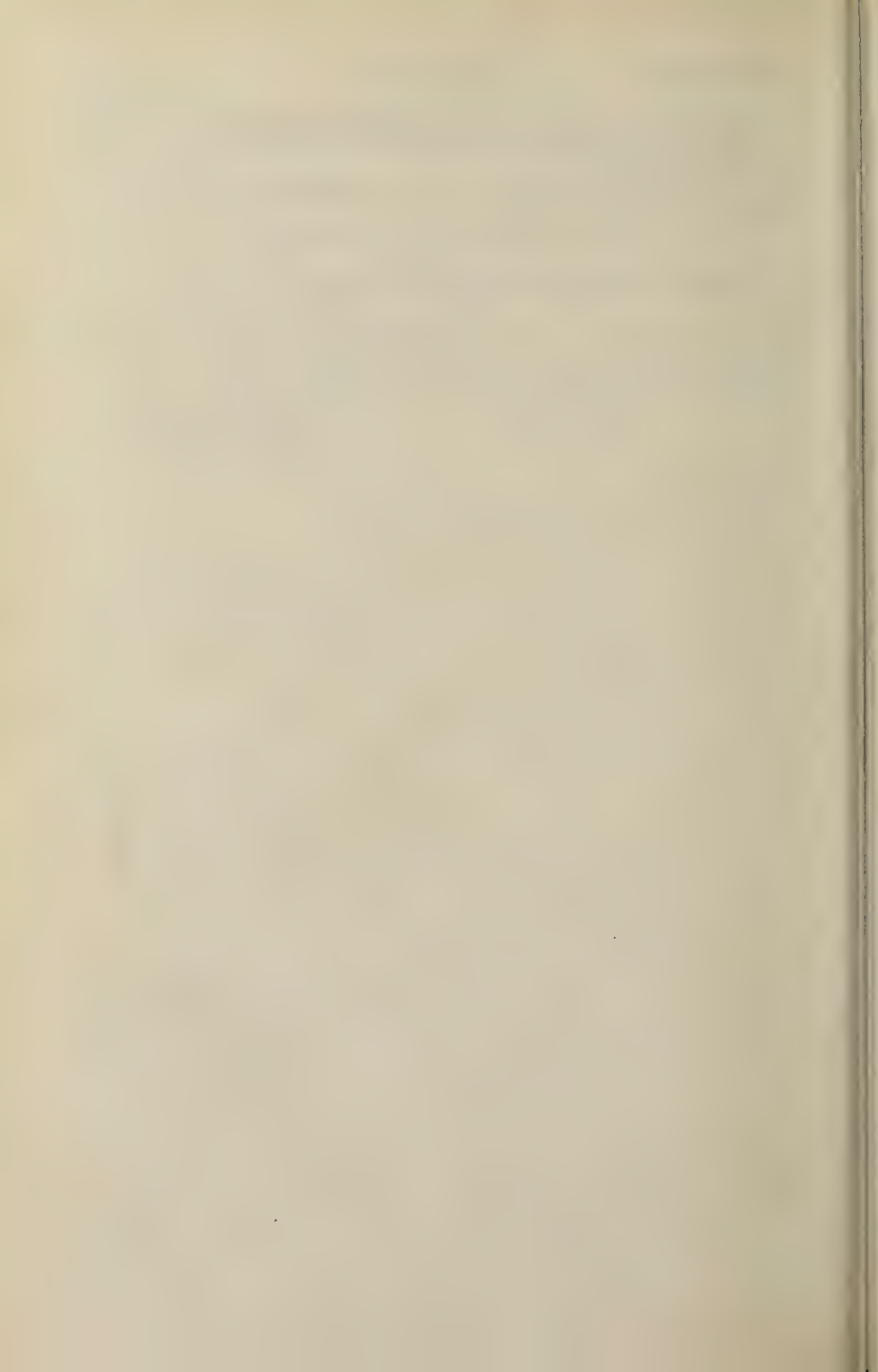
JESPERSEN, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 12.50 p.m., on motion of Senator Salsman, the President declared the Senate adjourned until 2 p.m., Monday, May 16, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTY-SECOND LEGISLATIVE DAY

ONE HUNDRED THIRTY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, May 16, 1949

The Senate met at 2 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—35.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:
Senator Jespersen, on motion of Senator Salsman, due to legislative business.

Senator Powers, on motion of Senator Salsman, due to illness.

Senator Williams, on motion of Senator Salsman, due to legislative business.

Senator Busch, on motion of Senator Salsman, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Stella Wymore of Hermosa Beach.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Marion Donnelly of Los Angeles.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sister Mary Gabriel and Sister Mary Rita and the following students of St. Joseph Academy of Sacramento: Caroline Rose Allen, Dorothy Andrade, Beverly Azevedo, Marie Barsetti, Gloria Bribiescas, Teresa Cardoza, Susan Culbert, Doris Demont, Dolores Dominguez, Minnie Escajeda, Cecilia Fava, Dolores Fior, Mildred Frank, Beverly Funston, Mary Ann Gomes, Patricia Hahn, Patricia Harrison, Angela Herrera, Jeannine Kassis, Barbara Levrero, Carolina Lopes, Lidia Lucio, Florence Mainert, Patricia A. Meyers, Gustina Morelli, Mary Ellen Mulloy, Helen Orozco, Clara Padilla, Juanita Reach, Joanne Roberts, Eleanor Santos, Norma Schneider, Veronica Silvey, Eulalia Simas, Eleanor Stanich, Eleanor Traversi, Consuelo Vasquez, Jackie von Berg, Jean Warmington, Pauline Williams, Patricia Zeilemaker, Alma Aguilar, Mary Augster, Patsy Brunell, Patricia Burke, Carmen Candela, Cecilia Cardosa, Marion Carroll, Maria Ciolli, Patricia Cook, Ellen Mary Corey, Claudia Cote, Helen Devine, Joan Evans, Dorothy Garbarino, Dorey Green, Maryrose Gregory, Frances Griffith, Bertha Gutierrez, Donna Halm, Mary Lou Hickey, Barbara Jaseppati, Jo Ann Joslyn, Jean Lobue, Ruth McClam, June McKie, Victoria Macias, Molly Martinez, Mary Miranda, Evelyn Murray, Lila Nagle, Roberta Neely, Myrna Nielsen, Shirley Oliver, Lupe Ortega, Betty Otis, Eleanor Padilla, Leda Pellegrini, Ramona Perez, Mary Louise Pickart, Mary Radovanovich, Eleanor Ramaccietti, Elsie Rizo, Mary Ritalo, Marlene Ryan, Virginia Sanfilippo, Charlene Savitts, Lupe Segura, Faye Shedy, Eliza Sullivan, Sylvia Tucker, Mary Valdez, Virginia Watkins, and Leslie Weait.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 187
Senate Bill No. 281
Senate Bill No. 353
Senate Bill No. 388

Senate Bill No. 976
Senate Bill No. 1073
Senate Bill No. 1253

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Joint Resolution No. 4
Senate Joint Resolution No. 20

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolutions ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 449
Assembly Bill No. 18
Assembly Bill No. 1460

Assembly Bill No. 1038
Assembly Bill No. 1749
Assembly Bill No. 929

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 13, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 36

Senate Joint Resolution No. 29

Senate Bill No. 1191

Senate Bill No. 1195

Senate Bill No. 1193

Senate Bill No. 1196

And reports the same correctly engrossed.

POWERS, Chairman

SENATE CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 463

Senate Bill No. 1188

Senate Bill No. 795

Senate Bill No. 1190

Senate Bill No. 797

Senate Bill No. 1198

Senate Bill No. 921

And reports the same correctly engrossed.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 366

And reports the same correctly engrossed.

SALSMAN, Vice Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 13, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1297

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 13, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1113

Senate Bill No. 1164

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 13, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 357

Assembly Bill No. 1451

Senate Bill No. 1078

Assembly Bill No. 1555

Senate Bill No. 1298

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 13, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1341

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Senate Bill No. 1304

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass as amended.

Committee membership 13; committee vote: Ayes 9; absent 4.

COLLIER, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: The Committee on Education, to which was referred:

Assembly Bill No. 2980

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:

Senate Bill No. 1093

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

DONNELLY, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:

Senate Bill No. 436

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

DONNELLY, Chairman

Above reported bill ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 1207

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 6; absent 2; not voting 3.

PARKMAN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 808

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 2; not voting 3.

PARKMAN, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which was referred:

Senate Bill No. 462

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

BURNS, Chairman

Above reported bill ordered to second reading.

MOTION TO APPROVE JOURNALS

Senator Salsman moved that the Journals for Monday, May 9, 1949; Tuesday, May 10, 1949; Wednesday, May 11, 1949; Thursday, May 12, 1949, and Friday, May 13, 1949, be approved as corrected by the Minute Clerk and the Journal Clerk.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 348

Senator Johnson moved that Senate Bill No. 348 be withdrawn from Committee on Finance for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 348—An act making an appropriation to the Division of Beaches and Parks for the establishment and development of the old Overland Emigrant Trail as part of the California Riding and Hiking Trails Project.

Bill read second time.

Motion to Amend

Senator Johnson moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out lines 1 and 2, and insert

"An act authorizing the Division of Beaches and Parks to establish and develop the old".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 24, inclusive, and insert

"SECTION 1. It is hereby declared to be the policy of the State to establish as a State Historical Monument, in the State Park System, the old Overland Emigrant Trail between Chicago Park and the Donner Memorial State Park in commemoration of the centennial of the Gold Rush.

SEC. 2. To provide for execution of this policy, the Division of Beaches and Parks, Department of Natural Resources, shall seek to secure agreements from owners of property over which the trail passes, to donate easements for rights of way and shall submit for consideration with the budget for the Fiscal Year 1950-51 estimates of cost for acquisition and development, including marking of the trail."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

RESOLUTIONS

The following resolution was offered:

By Senators Dorsey, Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams:

Senate Resolution No. 100

Relative to extending good wishes for a speedy recovery to President pro Tempore
Harold J. Powers

WHEREAS, Harold J. Powers, President pro Tempore of the Senate of California and a Member of this Senate since 1922, held in great esteem and respect by every Member of this Senate, has suffered severe injuries in an accident occurring when his automobile struck a washout in a storm damaged highway; now, therefore, be it

Resolved by the Senate of the State of California, That the Members of this Senate express their deep regret and concern that this unfortunate accident and injury has befallen their presiding officer, and extend to Harold J. (Butch) Powers expressions of warm regard and sincere good wishes for the most rapid recovery and return to his accustomed place in this Senate; and be it further

Resolved, That the Secretary of the Senate transmit a suitably engrossed copy of this resolution to Senator Powers.

Resolution read, and on the motion of Senator Dorsey, was unanimously adopted.

POINT OF PERSONAL PRIVILEGE

Senator Tenney rose to a point of personal privilege that he was unjustly attacked in the Assembly this morning by Assemblyman Evans, in attacking the Committee on Un-American Activities and a certain employee of said committee.

MOTION TO PRINT REPORT RE SOCIAL WELFARE

Senator Tenney moved that the following report to the Chairman of the Senate Fact-Finding Committee on Un-American Activities concerning the State Department of Social Welfare be printed in the Journal.

Motion carried.

REPORT ON STATE DEPARTMENT OF SOCIAL WELFARE

The investigation of the appointments of Wilbur J. Bassett and Daniel G. Marshall to the State Department of Social Welfare reveals the following:

- (1) That all of the appointees submitted to the Senate, ostensibly by Director Myrtle Williams, were selected by an officer of the State Department of Social Welfare acting on and under the explicit orders of George H. McLain, head of the Citizens Committee for Old Age Pensions;
- (2) That the names submitted to the Senate were those that McLain directed Mrs. Williams to present;
- (3) That McLain dictated the letters seeking confirmation of the appointees now before the Committee on Rules;
- (4) That the agreements of the appointees to serve were obtained by Walter P. Chambers, Chief Administrative officer of the State Department of Social Welfare.

Confidential information reveals that Walter P. Chambers, although designated as Chief Administrative Officer for the State Department of Social Welfare, and presumably drawing a salary of \$9,000 per year, has not performed, nor is he performing, the functions or duties of the office. While he has been signing time-sheets, accounting for time worked and time traveled as chief administrative officer in the performance of the duties of his office, he has not been performing the duties prescribed. There is good reason to believe that state funds are being diverted to purposes for which they were not appropriated. Chambers' time-sheets, personnel record, job description and expense vouchers should be carefully investigated.

Chambers has made a few appearances before legislative committees and has participated in a few interdepartmental conferences in his capacity as chief administrative officer. He apparently has been detached from these duties and, obviously, under the orders of George H. McLain, has been assigned to political activities to groups and organizations throughout the State. Information is to the effect that Chambers' reports and memoranda in reference to political activities are available and can be produced if subpoenaed. Information discloses that Chambers is not serving in the capacity of chief administrative officer but is used as an errand boy for Director Williams and McLain under the actual direction and express orders of McLain. Chambers reports directly to McLain and such orders as he receives from the director are orders originating with McLain.

An investigation will reveal that Chambers has used a state car to transport McLain on trips up and down the State for purposes that have nothing whatsoever to do with Chambers' State Department functions or duties. Some of these trips were to transport McLain to various places for addresses before sundry organizations in the furtherance of McLain's attack on the attempt to repeal Proposition No. 4, now Article XXV of the State Constitution. Undoubtedly Chambers has turned in expense accounts and received reimbursement from the State for such trips.

Chambers is reported to "check in" at the headquarters of the Citizens Committee for Old Age Pensions, located at 1931 South Grand

Avenue, whenever he arrives in Los Angeles. On these occasions he reports to McLain, members of McLain's staff or to McLain's counsel.

C. A. Herbage, Deputy Director of the State Department of Social Welfare, takes his orders directly from McLain, and expressly ordered two persons not to make any attempt to comply with the duties of their offices and "to stay away from the administrative end of the State Department of Social Welfare and the offices in Los Angeles and San Francisco." Both of these persons (now terminated) had received express orders from Director Williams to work on political matters and especially to use their energy in defeating the efforts of the opponents of Article XXV to obtain signatures for repeal petitions, and to work with civic groups and political organizations against the repeal petition and in favor of Article XXV.

"Reluctant" witnesses are available who will testify (as will Herbage and Mrs. Williams) that Herbage knew that the men in question were not performing the duties which their job descriptions called for and for which they were being paid by the State. It can also be proven that Herbage was well aware that state cars had been assigned to these men and that they were traveling on state expense accounts.

An investigation will further disclose that Herbage is named defendant in a \$1,000,000 libel suit by McLain which is not presently being prosecuted. "Reluctant" witnesses will testify that McLain stated before several persons that he had made a deal with Herbage for jobs; jobs that McLain was to fill from among his political henchmen; jobs to be directed solely toward the enhancement of the political future of Director Williams, McLain and his program.

Mrs. Williams, under pressure, will undoubtedly admit that she was fully aware of all these things and there is no doubt that Chambers and Herbage will declare that they acted under her orders. She may attempt to brazen out her "right" to have used these persons for the purposes described or attempted to so use them. Under questioning she will also undoubtedly admit that she took her orders and instructions from McLain. Apparently the facts are that during Director Williams' first few weeks in office she found that Chambers was not fulfilling the duties of chief administrative officer and that the reorganization of the Department was at a stand-still and the putting of Article XXV into operation was at a dead-end. It was at this impasse that she made the switch, under McLain's orders, and gave Herbage administrative charge and assigned Chambers to these other duties but still under the same title, same pay and same job description.

Testimony will be available to show that McLain is the actual director of the State Department of Social Welfare; that he demands written reports from its employees; demands lobbying activities and personal loyalty to him. Testimony will also reveal that in some instances state department employees have refused to take orders from McLain, to lobby on his particular bills, etc., and that McLain made it a point to get rid of them.

Any investigation of McLain's activities should include the production of his liquor bills, hotel bills, travel vouchers, air travel-card account, payments of his bills on his personal car by the aged people's so-called committee, payments of his personal bills from funds of aged people's

committee, tailor bills, suite at the Sacramento Hotel, his \$10,000 a month pay roll at the Citizens Committee for Old Age Pensions, his trick of selling the aged citizens "Recall Buttons" for \$1 each, his trick of selling cheap two- to seven-cent brochures for 10 cents to \$1, and, last but not least, the loans he has allegedly obtained from many old people who have been duped into following his program.

The advertising agency, allegedly owned and operated by McLain and Director Williams, also should be thoroughly investigated, together with reported illegal sales of mining stocks and shares by Myrtle Williams, since she has been in office.

Any investigation of this situation should not overlook the personnel in the State Department of Social Welfare, now allegedly being recruited by Chambers from the old discredited Olson State Relief Administration regime. The Communist Party, Robert W. Kenny and left-wing elements are definitely moving into the McLain movement and apparently into the State Department of Social Welfare. In this connection, Chambers' political relationship with Rose Segure and others should be investigated.

Confidential sources reveal that a number of State Department of Social Welfare employees are discouraged and privately indignant at the existing situation. While few, if any, of these employees will come forward willingly there is little doubt but that they will frankly and honestly testify before any governmental agency that summons them.

POINT OF PERSONAL PRIVILEGE

Senator O'Gara rose to a point of personal privilege and stated that during the discussion on the publication called "Alert" his position on the loyalty oath bills came up and he wanted to explain his position on these bills.

Point of Order

Senator Desmond rose to a point of order that there is nothing before the Senate unless Senator O'Gara rose to a point of personal privilege.

The President ruled that Senator O'Gara was discussing a point of personal privilege and was, therefore, in order.

Point of Order

Senator Hatfield rose to a point of order that the discussion had gone beyond the point of personal privilege and there was nothing before the Senate.

The President ruled the order well taken.

MOTION TO REFER PUBLICATION TO COMMITTEE ON RULES

Senator O'Gara moved that the publication known as "Alert" be referred to the Committee on Rules and that their attention is called to Items 1, 2, and 3, and therefore request that the committee make an investigation relative to these items.

Motion to Lay on Table

Senator Hatfield moved that the motion by Senator O'Gara be laid on the table.

Roll Call Demanded

Senators O'Gara, Watson, and Drobish demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Desmond, Donnelly, Hatfield, Hulse, Johnson, Kraft, Mayo, Rich, and Swing—15.

NOES—Senators Coombs, Cunningham, Dillinger, Dilworth, Dorsey, Drobish, Judah, Keating, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Tenney, Ward, Watson, and Weybret—18.

Point of Order

Senator Desmond rose to a point of order that according to Rule No. 17, of the Standing Rules of the Senate, an investigating committee could be appointed only by resolution, printed in the Journal, and referred to the Committee on Rules.

The President ruled the point of order well taken.

Motion Withdrawn

Senator O'Gara withdrew his motion to refer the publication "Alert" to the Committee on Rules for investigation.

RESOLUTIONS

The following resolution was offered:

By Senator O'Gara:

Senate Resolution No. 101

Relative to an investigation of the publication "Alert" and related matters

Resolved, That the Rules Committee, or a committee of five (5) nominated by the Rules Committee and appointed by the Senate, shall fully investigate all matters concerning:

1. The employment by the Senate Un-American Activities Committee of one Gibbons, publisher of that certain publication known as the Alert, including his duties, activities and compensation.

2. The financing, publication, and distribution of that publication and particularly the May 2, 1949, issue, thereof.

3. The truth or falsity of the statements made in that publication, particularly on page 299 of the May 2 issue, concerning Members of the Legislature.

The Rules Committee shall report and recommend to the Senate as soon as practicable.

Resolution read, and referred to Committee on Rules.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 60: By Senator Kraft—Relative to approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the municipal general election held therein on the nineteenth day of April, 1949.

Request for Unanimous Consent

Senator Kraft asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 60, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 60

Senate Concurrent Resolution No. 60—Relative to approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for

and ratified by the qualified electors of said city at the municipal general election held therein on the nineteenth day of April, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 136

Senator McBride moved that Senate Bill No. 136 be withdrawn from Committee on Water Resources for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 136—An act to amend Sections 8, 10, 12, 14, 15, and 24 of the Ventura County Flood Control Act, and to add Sections 8.1, 8.2, 8.3, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46 to the said act, relating to the Ventura County Flood Control District.

Bill read second time.

Motion to Amend

Senator McBride moved the adoption of the following amendments:

Amendment No. 1

Strike out lines 1, 2, and 3 of the title of the printed bill, and insert

"An act to amend Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20.4, 22, 23, 24, 25, 26, 28, and 29 of, and to add Sections 8.1, 8.2, 8.3, 9.1, 9.2, 14.1, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46 to, the Ventura County Flood Control Act,".

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 1 of the printed bill, strike out line 1, and insert

"SECTION 1. Section 7 of the Ventura County Flood Control Act is amended to read:

Sec. 7. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing to percolate into the soil within said district, or without such district, such waters, or to save or conserve in any manner all or any of such waters and protect from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district, and to provide for the development or acquisition of water at points outside said district for beneficial use within said district or in any part thereof.

[Ventura County Flood Control District] Each of said zones is hereby declared to be a body corporate and politic and as such shall have power:

1. To have perpetual succession.

2. To sue and be sued in the name of said [district] zone in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To take by grant, purchase, gift, or devise or lease, or otherwise, and to hold, use, enjoy and to lease or dispose of real or personal property of every kind within or without the [district] zone necessary or convenient to the full exercise of its powers.

5. To acquire, by purchase, lease, construction or otherwise, or contract to acquire, lands, rights of way, easements, privileges and property of every kind, whether real or personal, and to construct, maintain and operate any and all works or improvements within or without the [district] zone necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements or property acquired by it as authorized by this act.

6. To store water in surface or underground reservoirs within or outside of the [district] zone for the common benefit of [a zone or] any zones affected; to conserve and reclaim water for present and future use within the [district] zone; to appropriate and acquire water and water rights, and import water into the [district] zone and to conserve within or outside of the [district] zone, same for any useful purpose to the [district] zone; to commence, maintain, intervene in and compromise, in the name of the [district] zone, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within the [district] zone used or useful for any purpose of the [district] zone or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the [district] zone or of common benefit to the lands within the [district] zone or to its inhabitants; to prevent unlawful exportation of water from said [district] zone; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said [district] zone, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in the [district] zone; provided, however, that said [district] zone shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights within the boundaries of the [district] zone and which do not involve taking water outside of or away from the [district] zone.

7. To control the flood and storm waters of said [district] zone and the flood and storm waters of streams that have their source outside of said [district] zone, but which streams and the flood waters thereof, flow into said [district] zone, and to conserve such waters for beneficial and useful purposes within said [district] zone by spreading, storing, retaining and causing to percolate into the soil within or without said [district] zone, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said [district] zone.

8. To have and exercise the right of eminent domain, either within or without said [district] zone, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any [district] zone or other public corporation or agency or otherwise, and to condemn any existing works or improvements in said [district] zone now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said [district] zone from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said [district] zone, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person, or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless previous compensation be first ascertained and paid therefor, under the laws of this State authorizing the taking of private property for public uses.

The power of eminent domain vested in the board of [supervisors] directors of said [district] zone shall include the power to condemn in the name of the [district] zone either the fee simple or any lesser estate or interest in any real property which said board by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of the fee simple or easement, as the case may be, is necessary.

Whenever real property which is devoted to or held for some other public or quasi public use is required by the [district] zone for flood control or water conservation purposes, the [district] zone may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property required by the [district] zone as aforesaid for flood control or water conservation purposes.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, or other

legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, for said purposes and uses, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions or rights; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said [Ventura County Flood Control District] zone; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the [district] zone; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the [district] zone, or to carry such water through any tunnels, canal, ditch, or conduit of the [district] zone; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured for the use of the [Ventura County Flood Control District] zone, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said [district] zone by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said [district] zone, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said [district] zone, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To carry on technical and other investigations of all kinds, make measurements, collect data, and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said [district] zone, and for this purpose said [district] zone shall have the right of access through its authorized representative to all properties within said [district] zone.

11. To incur indebtedness and to issue bonds in the manner herein provided.

12. To cause taxes and assessments to be levied and collected for the purpose of paying any obligation of the [district] zone, and to carry out any of the purposes of this act, in the manner hereinafter provided.

13. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said [district] zone, or any of the officers thereof, by this act.

14. To delegate to or contract with said Ventura County Flood Control District for the management, construction, negotiation, or operation, in whole or in part, of any project or contract within its power, as hereinafter provided.

15. By contract, to exercise any of the powers hereinabove enumerated jointly with any other zone or district, constituted within or without Ventura County, for the joint benefit of said zone and of such other district, and pursuant to such contract, to construct reservoirs, dams, and such other works within or without said zone or county as may be beneficial to said zone.

Ventura County Flood Control District is hereby declared to be a body corporate and politic and as such shall have power:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise or lease, or otherwise, and to hold, use, enjoy and to lease or dispose of real or personal property of every kind within or without the district necessary or convenient to the full exercise of its powers.
5. To manage, operate, or construct within any zone or zones any project which any such zone or zones is hereby empowered to manage, operate, or construct; and to represent any zone or zones and, as such representative, to make and perform any contract with any state, federal, or other agency outside said Ventura County which any such zone could make and perform, subject to the provisions of Section 14.1 of this act.

SEC. 2. Section 8 of said act is amended to read:

Sec. 8. The board of supervisors of Ventura County shall be, and they are hereby designated [as,] and empowered to act [as,] ex officio, as the board of [supervisors] *directors* of said Ventura County Flood Control District, [, and said board of supervisors is hereby authorized to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties herein set forth.

Each member of the board as such ex officio officer shall receive a salary of fifty dollars (\$50) per month payable from the funds of the Ventura County Flood Control District in addition to his salary as county supervisor.

The district attorney, county surveyor, county assessor, county tax collector, county auditor and county treasurer of the County of Ventura, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Ventura County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Ventura County Flood Control District, and shall respectively perform, unless otherwise provided by said board of supervisors, the same various duties for said district as for said Ventura County, in order to carry out the provisions of this act; provided, however, that where the county surveyor is a registered civil engineer and is employed by the board of supervisors to supervise the engineering work of said district, the board of supervisors may provide for compensation for his services hereunder, in addition to his salary as county surveyor of Ventura County. Such increase shall be paid from the funds of the Ventura County Flood Control District.

In addition to the officers and employees herein otherwise prescribed, said board of supervisors may in their discretion appoint a chairman, a secretary and such other officers, agents and employees for said board or district as in their judgment may be deemed necessary, prescribe their duties and fix their compensation, said officers, agents and employees to hold their respective offices or positions during the pleasure of said board.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Ventura.]

The governing body of each of said zones shall be a board of directors consisting of seven members elected as hereinafter provided. Until such time as the qualified voters of zone four shall otherwise determine, as hereinafter provided, said board of supervisors shall be, and they hereby are designated and empowered to act, ex officio, as the board of directors of zone four.

Each member of the board of said district and each member of the board of any of said zones shall be paid ten dollars (\$10) for each day's attendance at board meetings, and in addition thereto shall receive reimbursement for actual necessary traveling and incidental expense incurred in the performance of official business, as approved by the board of which he is a member.

SEC. 3. Section 8.1 is added to said act, to read:

Sec. 8.1. The district attorney, county surveyor, county assessor, county tax collector, county auditor and county treasurer of the County of Ventura, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said county, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Ventura County Flood Control District, and of each of said zones, and shall respectively perform, to the extent required by said district and by each of said zones, the same various duties for said district and for said zones as they perform for said Ventura County, in order to carry out the provisions of this act; provided, however, that where the county surveyor is a registered civil engineer and is employed by the board of said district or of any of said zones to supervise any engineering work provided for by this act, the board of supervisors of said county may provide for compensation for his services hereunder, in addition to his salary as county surveyor of said county. Such increase shall be paid from the funds of the district or of the zone so employing him.

SEC. 4. Section 8.2 is added to said act, to read:

Sec. 8.2. All ordinances, resolutions and other legislative acts for each of said zones shall be adopted by board of directors thereof, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Ventura.

SEC. 5. Section 9 of said act is amended to read:

Sec. 9. [The said board of supervisors of said district shall have power to make and enforce all needful rules and regulations for the administration and government of said district, and to appoint and employ all needful agents, superintendents, engineers and employees to properly look after the performance of any work provided for in this act and to operate and maintain said works, and to perform all other acts necessary or proper to accomplish the purposes of this act.] *Within sixty days after the effective date of this amendment, the board of supervisors shall make an order dividing zone two, zone three and zone four into seven divisions. Each such division shall be composed of contiguous general election precincts; and said divisions*

shall be as nearly equal in assessed valuation as reasonably possible. Such divisions shall be numbered consecutively, and one director shall be elected, as hereinafter provided, for each division of said zones.

At the same time as said board of supervisors divides zone two, zone three and zone four, said board shall make an order dividing zone one into five divisions composed of contiguous election precincts and bounded as nearly as reasonably possible as follows:

Division 1 shall comprise the City of Ventura.

Division 2 shall comprise all of Ventura Judicial Township as said township was constituted on January 1, 1949, lying within said zone one and easterly of the Ventura River, except the City of Ventura.

Division 3 shall comprise all territory in said zone one lying westerly of the Ventura River.

Division 4 shall comprise the City of Ojai, all territory in the Ojai Valley lying easterly of the north and south extension of the westerly boundary of said city, and all territory in said zone in the upper Ojai Valley.

Division 5 shall comprise all territory in said zone one not lying within Divisions 1, 2, 3, and 4 thereof.

As hereinafter provided, two directors shall be elected for Division 1, one director shall be elected for Division 2, two directors shall be elected for Division 3, one director shall be elected for Division 4, and one director shall be elected for Division 5, of said zone one.

No person may be elected or appointed a director who is not a qualified voter of the division electing him.

SEC. 6. Section 9.1 is added to said act, to read:

Sec. 9.1. Not later than ninety days after the effective date of this act, the board of supervisors shall call an election within each of said zones one, two and three for the purpose of electing the first directors thereof. Said board of supervisors shall establish such precincts, as it deems advisable but not fewer than one, in each division of each of said zones, and shall conduct such election in all respects as provided by Division 2 of the District Organization Act. All elections other than the first election shall be called and conducted by the board of directors of each of the said zones, in all respects as prescribed by Division 2 of the District Organization Act.

Within one hundred twenty days after the filing with said board of supervisors of a petition signed by not less than 25 percent of the qualified voters of zone four, said board of supervisors shall, and at any time said board may, on its own motion, conduct a special election in zone four to determine whether said zone shall thereafter be governed by a board of directors elected by the voters of said zone. The proposition to be voted upon at such election shall be "Shall the governing body of zone four of the Ventura County Flood Control District hereafter be elected by the qualified voters of said zone?" If a majority of the qualified voters voting at such election shall vote in favor of such proposition, said board of supervisors shall, within one hundred eighty days after the results of such election have been canvassed, call a special election for the election of seven directors for said zone, and the directors then elected shall meet, classify themselves, and hold office and elections as herein provided for zone one, zone two and zone three.

SEC. 7. Section 9.2 is added to said act, to read:

Sec. 9.2. The board of directors of each zone shall meet on the first Monday subsequent to 30 days after their election and shall organize by electing one of their members as chairman and one as vice chairman. At such meeting, said directors shall classify themselves by lot so that three members shall go out of office upon the election and qualification of their successors chosen at the first regular election of directors as hereinafter provided, and four members shall go out of office upon the election and qualification of their successors chosen at the second such election thereafter. Thereafter, each director shall serve for a term of four years, or until his successor is elected and qualified. All meetings of the board of directors of any zone, and of the Ventura County Flood Control District, shall be open to the public. A majority of the board of directors of any zone or of said district shall constitute a quorum for the transaction of business.

SEC. 8. Section 10 of said act is amended to read:

Sec. 10. [Said board of supervisors] *The board of directors of each zone shall have jurisdiction and power to employ by resolution a competent registered civil engineer or engineers to investigate carefully the best plan or plans to control the flood and storm waters of said [district, and the zones thereof] zone, and the flood and storm waters of streams that have their source outside of said [district] zone but which stream and the flood waters thereof flow into said [district] zone, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within or without said [district] zone, or to save or conserve in any manner, any or all of such waters, and to protect the watercourses, watersheds, public highways, life and property in said [district] zone from damage from such waters; and to obtain such other information in regard thereto as may be*

deemed necessary or useful for carrying out the purposes of this act, and such resolution may direct such engineer or engineers to make and file reports from time to time with said board of [supervisors] *directors*, which shall show:

1. A general description of the work to be done on each project or work of improvement.

2. General plans, profiles, cross-section and general specifications of the work to be done on each project or work of improvement.

3. A general description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work.

4. A map or maps which shall show the location [and zone] of each of said projects or improvements, and lands, rights of way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

5. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said project or work of improvement, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds, if any, necessary to be issued to pay for the same.

Said engineer or engineers shall from time to time and as directed by the board of [supervisors] *directors* file with said board supplementary, amendatory and additional reports and recommendations, as necessity and convenience may require.

Such engineer or engineers, employed by said resolution, shall have power and authority, subject to the control and direction of said board of [supervisors] *directors*, to employ such engineers, surveyors, and others, as may be required for making all surveys or doing any other work necessary for the making of such report.

The said board of [supervisors] *directors* may at any time remove any or all of the engineers or employees appointed or employed under this act, and may fill any vacancies occurring among them from any cause.

SEC. 9. Section 11 of said act is amended to read:

Sec. 11. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in said [district] *zone*, and shall be held by said [district] *zone*, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board of [supervisors] *directors* is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board [of supervisors] may determine, by resolution duly entered in their minutes that any property, real or personal, held by said [district] *zone* is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said property, or lease the same.

SEC. 10. Section 12 of said act is amended to read:

Sec. 12. The board of [supervisors of said district] *directors of the Ventura County Flood Control District* shall have power, in any year [:]

(1. To) to levy an ad valorem tax or assessment upon all taxable property in the district to pay the costs and expenses of said [Ventura County Flood Control District] and to carry out any of the objects or purposes of this act of common benefit to the district as a whole, and [district, in an amount which shall not exceed five (5) cents on each one hundred dollars (\$100), of the assessed valuation of taxable property in said district, exclusive of any tax or assessment levied by any of said zones.

(2. To) The board of directors of each of said *zones* shall have power in any year to levy an ad valorem tax or assessment upon all taxable property in [each or any of said zones, according to the benefits derived or to be derived by said] *their respective zones* [:] to pay the cost and expenses of [carrying] *said zone* and to carry out any of the objects or purposes of this act of [special] benefit to [said respective zones] *such zone*, including the investigation, planning, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements within said respective zones or elsewhere when for the benefit thereof. It is declared that all property within a given zone is equally benefited by work planned or performed under this act. The aggregate taxes or assessments levied by the board of directors of any zone under this act for any one fiscal year shall not exceed thirty (30) cents on each one hundred dollars (\$100) of the assessed valuation of the taxable property in such zone exclusive of any tax or assessment levied to meet the bonded indebtedness of said zone and the interest thereon.

Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and of said zones, respectively, and [said] the board of [supervisors] *directors of the district or of the zone which levied the taxes* shall have the power to control and order the expenditure thereof for said purposes [:] provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of Subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone except as provided in Section 14 hereof; and provided

further, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed twenty (20) cents on each one hundred dollars (\$100) of the assessed valuation of the taxable property in said zones exclusive of any tax or assessment levied to meet the bonded indebtedness of said zones and the interest thereon].

SEC. 11. Section 13 of said act is amended to read:

SEC. 13. Claims against the district or against any zone shall be prepared, presented, audited and allowed or disallowed in the same manner and within the periods of time specified in the Political Code of the State of California for the preparing, presenting, auditing, and allowance or disallowance of claims against counties.

SEC. 12. Section 14 of said act is amended to read:

SEC. 12. The board of [supervisors of said district may institute joint projects by contiguous zones] *directors of any zone may contract with the board of directors of any other zone or zones, or with the board of directors of said Ventura County Flood Control District for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any [work or improvement] works or improvements located or to be located in [either] any of said zones or elsewhere and of common benefit to said participating zones. For the purpose of acquiring authority to proceed with any such [joint project.] contract, the board of [supervisors shall] directors of each of the participating zones shall severally adopt a resolution specifying its intention to [undertake such] contract for such a joint project, together with the engineering estimates of the cost of same and proportionate costs to be borne by the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation, circulated in each of said participating zones, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places in each of said participating zones. Said notice must designate a public place in each of said participating zones where a copy of the map or maps of said joint project may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.*

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board of [supervisors] *directors* shall consider all written and oral objections to the proposed joint project. Upon the conclusion of the hearing the board [of supervisors] may abandon the proposed joint project or proceed with the same, unless prior to the conclusion of said hearing written protests against the [proposed joint] *said project* signed by a majority in number of the registered voters residing within either of said zones be filed with the board of [supervisors] *directors of either of said zones, in which event said project must be abandoned. Nothing in this section shall be deemed to modify any provision of this act respecting the issuance of bonds, or to authorize any board to commit any zone to issue bonds.*

SEC. 13. Section 14.1 is added to said act, to read:

SEC. 14.1. The board of directors of any zone may by contract with the board of directors of said Ventura County Flood Control District authorize said district to represent said zone in negotiating with any public or private agency for the acquisition of water from points outside said Ventura County. When said district shall, by contract, undertake to represent any zone or zones or to construct, maintain, operate, extend, repair, or otherwise improve any work or improvement for the benefit of any zone or zones, as provided in Section 14 of this act, said district shall not be obligated to perform the same until the zone or zones to be benefited thereby have made adequate provision, by taxation or the issuance of bonds, or otherwise, to reimburse said district for their proportionate share of the cost of such performance.

SEC. 14. Section 15 of said act is amended to read:

SEC. 15. (1) Whenever the board of [supervisors] *directors of any zone* shall determine that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone, the said board may by resolution, passed by [unanimous vote] *the vote of two-thirds* of the entire board determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement and the denomination and rate of interest of said bonds. Said board shall cause a copy of said resolution, duly certified by the clerk, to be filed for record in the office of the recorder of Ventura County within five (5) days after its issuance. From and after said filing the said board shall be deemed vested with the authority to proceed with said bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the said board [of supervisors] may call a special election in said zone at which shall be submitted to the qualified electors of said zone the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon the property taxable by said [district] *zone* situated within the zone, and all such taxable property shall be and remain liable to be taxed for such payments as provided in this act.

(3) Said board [of supervisors] shall call such special election by ordinance and not otherwise and submit to the qualified electors of said participating zones the proposition of incurring a bonded debt in said zone in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the resolution adopted by said board [of supervisors], and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall be not less than one-fortieth ($\frac{1}{40}$) of the whole amount of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board [of supervisors] shall in said ordinance establish election precincts within the boundaries of the said participating zone and may form election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such precincts.

In all particulars not recited in said ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the State.

Said board [of supervisors] shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such election shall, prior to the date set for such election, be published in a newspaper of general circulation circulated in said zone for six consecutive times if published in a daily newspaper of general circulation printed and published in said zone; or two times if published in a weekly newspaper of general circulation printed and published in said zone; the last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places in said participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds. If at such election two-thirds ($\frac{2}{3}$) of the votes cast are in favor of incurring such bonded indebtedness, then the bonds of said [district] zone for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 15. Section 16 of said act is amended to read:

Sec. 16. [The said board of supervisors] *Any such board of directors* shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the participating zones, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denomination as the said board [of supervisors] may determine, except that no bonds shall be of a less denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1,000), and shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be payable annually or semiannually, and said bonds shall be signed by the chairman of the board [of supervisors], and countersigned by the auditor of [said] Ventura County, and the seal of said [district] zone shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of Ventura County by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 16. Section 17 of said act is amended to read:

Sec. 17. [The said board of supervisors] *Any such board of directors* may issue and sell the bonds of such [district] zones authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of Ventura to the credit of said [district] zone for the uses and purposes of the zone voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds

shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone fund shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Ventura.

SEC. 17. Section 19 of said act is amended to read:

Sec. 19. The board of [supervisors] *directors of the zone of issuance* shall levy a tax or assessment each year upon all the taxable property in the zone [of issuance] sufficient to pay the interest upon said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy. Such tax shall be levied and collected in the zone of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Ventura County to the credit of the zone of issuance, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said Ventura County in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 18. Section 20.4 of said act is amended to read:

Sec. 20.4. For the Fiscal Year [1944-1945] *1949-1950*, but for no other fiscal year, notwithstanding Section 20 of this act, the assessment and equalization of property for the purpose of [district] *zone* taxation shall be effected as provided in this section.

Taxes of [the district] *any zone* for the Fiscal Year [1944-1945] *1949-1950* are liens on property the same as if they were county taxes, except that the [district] *zone* tax liens attach as of noon on the day after this [act] *amendment* becomes effective.

It is presumed that the assessments of property made by the county assessor and by the State Board of Equalization for county taxation purposes for the Fiscal Year [1944-1945] *1949-1950* are the correct assessments for purposes of taxation by [the Ventura County Flood Control District] *any zone* and the rolls prepared by the county assessor and the State Board of Equalization shall be used for purposes of levying and collecting the taxes for the [district] *zone*. If the ownership or taxable situs or value of any property changes between noon on the first Monday in March, [1944] *1949*, and the date on which attaches the lien for taxes of the [Ventura County Flood Control District] *zone* for the Fiscal Year [1944-1945] *1949-1950*, then, on petition of the taxpayer affected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of taxation by the [Ventura County Flood Control District] *zone*.

In equalizing the assessments made by the county assessor, the board of supervisors, sitting as the county board of equalization, in addition to its regular equalization duties, shall also, in the same manner and under the same rules, equalize the valuation of property for purposes of taxation by [the Ventura County Flood Control District] *any zone* in accordance with the requirements of this section and any such changes made by the county board of equalization in the assessment roll shall be entered in the manner prescribed by the State Board of Equalization.

If, for purposes of taxation by [the Ventura County Flood Control District] *any zone*, a change in the assessment for county taxation purposes is not sought under this section before the end of the period during which such assessment may be equalized, or corrected on a petition for reassessment, such assessment, if valid for county taxation purposes, is conclusively presumed to be the correct assessment for taxation purposes of [the Ventura County Flood Control District] *any zone*.

The board of supervisors may, by ordinance, prescribe any necessary procedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying, and collecting taxes for [the Ventura County Flood Control District] *any zone* for the Fiscal Year [1944-1945] *1949-1950*. Except as provided in this section, Section 20 of this act is applicable to the assessment and equalization of property for the purpose of [district] *zone* taxation for the Fiscal Year [1944-1945] *1949-1950*.

SEC. 19. Section 22 of said act is amended to read:

Sec. 22. All bonds issued by [said district] *any zone* under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that [the district] *any zone* organized by this act is a reclamation district and an irrigation district within the meaning of Section 13, Article XIII, of the Constitution of this State.

SEC. 20. Section 23 of said act is amended to read:

Sec. 23. All contracts for any improvement or unit of work except as hereinafter provided estimated to cost in excess of five thousand dollars (\$5,000) shall be let to the lowest responsible bidder in the manner hereinafter provided. The said board of [supervisors of said district] *directors of any zone* *proposing to enter into any such contract* shall advertise by three (3) insertions in a daily newspaper of general circulation or two (2) insertions in a weekly newspaper of general circulation printed and published in said [district] *zone* inviting sealed proposals for the construction of, the improvement or work before any contract shall be made therefor, and may let by

contract separately any part of said work or improvement. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or where the estimated cost of such work does not exceed the sum of five thousand dollars (\$5,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board [of supervisors] may without advertising for bids therefor have said work done by force account. The [district] zone shall have the power to purchase in the open market without advertising for bids therefor, materials and supplies for use in any work therewith either under contract or by force account.

SEC. 20.5. Section 24 of said act is amended to read:

SEC. 24. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specification and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the [district] zone by some change of conditions in relation thereto, in which event the board [of supervisors] may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

SEC. 21. Section 25 of said act is amended to read:

SEC. 25. Whenever bonds have been authorized by any zone of said district and the proceeds of the sale thereof have been expended as in this act authorized, and said board of [supervisors] *directors* shall by resolution passed by a vote of [all] *two-thirds* of its members determine that additional bonds should be issued for carrying out the work of flood control, or for any of the purposes of this act, said board [of supervisors] may again proceed as in this act provided, and submit to the qualified voters of said zone the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

SEC. 22. Section 26 of said act is amended to read:

SEC. 26. Should a proposition for issuing bonds for any zone submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the said board of [supervisors of said district] *directors of said zone* shall not for six months after such election call or order another election in that zone for incurring indebtedness and issuing bonds under the terms of this act, either for the same objects and purposes, or for any of the objects and purposes of this act.

SEC. 23. Section 28 of said act is amended to read:

SEC. 28. There is hereby granted to [Ventura County Flood Control District] *each zone created by this act* the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection if a right of way for such works or adjuncts thereto is made by [the district] *any zone* the board of [supervisors] *directors* thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the [district] *zone* a permit to use such right of way and lands.

SEC. 24. Section 29 of said act is amended to read:

SEC. 29. In case any street, road, highway, railroad, canal, or other property subject or devoted to public use shall become subject to flooding or other interference by reason of the construction or proposed construction of any works of the [district] zone or project, the board of [supervisors of the district] *directors of the zone* may acquire by agreement or condemnation the right so to flood or otherwise interfere with such property, within or without the [district] zone whether it be publicly or privately owned, and if such right be acquired by condemnation, the judgment may, if the court shall find that public necessity or convenience so requires, direct the [district] zone to relocate such street, road, highway, railroad, canal or other property in accordance with plans prescribed by the court and if by such judgment or by agreement the [district] zone shall be required to relocate any such street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the [district] zone, by agreement or condemnation, all rights

of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.

SEC. 25. Section 36 is added to said act, to read:

SEC. 36. Zone one is authorized and empowered, through its board of directors, to take over the properties, property rights and functions heretofore held and exercised by said Ventura County Flood Control District for said zone, and the board of said zone shall take over the same immediately upon being elected and qualified for office.

Upon such election, qualifications, and taking over, all of the property, rights, and functions shall become vested in said zone one, subject, however, to the rights of the holders of any and all of the bonds or other outstanding claims or evidences of indebtedness of said zone, and the lien of all such bonds and all rights of the bondholders and creditors of said zone shall be unimpaired and enforceable against the lands and property owners within the boundaries of said zone to the same extent and in like manner as if this section had not been enacted.

All of such outstanding bonded or other indebtedness shall be assumed by said zone one, and the collection of principal and interest may be enforced through said zone in like manner as it might have been enforced through said district, and the board of directors of said zone is hereby authorized and empowered, and it shall be its duty to carry into effect and perform all of the obligations heretofore undertaken by said district in respect to said zone one and the directors of said district for the assessment and collection of taxes for the payment of the principal and interest of said bonds and other indebtedness, and all other obligations and duties in every other respect provided for the protection, payment and liquidation of the principal and interest of the bonded and other indebtedness of said zone.

All bondholders and creditors or other persons heretofore having rights or relations with said district in respect to said zone or the directors or officers of said district are hereby authorized and empowered to deal with the directors of said zone, and to enforce their rights as against said zone, in like manner as might be done against the said district above mentioned, and the directors and officers thereof, and all notices, demands, tenders or other dealings that might have been made to, or had with the said district or the directors or officers thereof may be made to or had with the directors of said zone with the same force and effect.

All obligations or duties or indebtedness undertaken or contracted to be paid or performed by any persons, firms or corporations, to or with said district in respect to zone one may be performed for or paid to said zone with the same force and effect, and in like manner as undertaken to be performed for or paid to said district. And said zone one shall have the right to enforce all rights or obligations which have accrued or may accrue to said district in respect to zone one.

The board of directors of said zone one, as soon as they qualify and are organized as hereinbefore provided, shall take over and become vested with the management of all property, projects, works, records, moneys on hand or other assets of said district heretofore exercised or held by said district in respect to zone one and the board of directors of said district shall deliver all such property, records or other assets to the directors of said zone, and thereupon said zone one, as heretofore constituted, shall be deemed to be merged in and superseded by said zone one, and cease to exist except insofar as may be necessary to preserve the rights of bondholders and other creditors; provided, however, that all funds or properties which come into the possession or under the control of said zone from said district shall be expended and used only in connection with and for the purposes authorized by the law under which said district was organized.

SEC. 26. Section 37 is added to said act, to read:

SEC. 37. Said zone one, through its board of directors, is authorized and empowered to extend and improve the works and projects heretofore completed by said district in respect to said zone.

SEC. 27. Section 38 is added to said act, to read:

SEC. 38. Zone two shall take over and succeed to all of the property, rights, and functions heretofore held and exercised by said Ventura County Flood Control District for said zone in the manner prescribed by and subject to all of the provisions of Sections 36 and 37 of this act.

Zone three shall take over and succeed to all of the property, rights, and functions heretofore held and exercised by said Ventura County Flood Control District for said zone in the manner prescribed by and subject to all of the provisions of Section 36 and 37 of this act.

Zone four shall take over and succeed to all of the property, rights, and functions of zone four of the Ventura County Flood Control District created by Chapter 44 of the Statutes of the Fourth Executive Session of 1944, in the manner prescribed by and subject to all of the provisions of Sections 36 and 37 of this act.

SEC. 28. Section 39 is added to said act, to read:

SEC. 39. Contiguous land may be formed into an improvement district within any of the zones hereby created for any of the purposes named in Division 11, Part 7 of the Water Code or for any of the purposes of this act. Such improvement districts

shall be formed in accordance with the provisions of said Division 11, Part 7 of the Water Code and shall have all of the powers and shall be governed by all of the provisions of said part of said code.

SEC. 29. Section 40 is added to said act, to read:

SEC. 40. A majority of the board of directors of any zone, or the owners in fee of not less than one half in area of a tract of land that is a portion of a zone may jointly or severally file with the Chief of the Division of Water Resources of the Department of Public Works a petition praying that the tract be excluded from the zone or that it be excluded from the zone and included within another zone.

SEC. 30. Section 41 is added to said act, to read:

SEC. 41. Such petition shall contain the information required by Article 1 of Chapter 1 of Part 11 of the Water Code and, where applicable, the information required by Article 1 of Chapter 2 of Part 11 of said code. When the petition states as a reason for exclusion that the tract sought to be excluded lies outside the watershed of the zone in which such tract is located, the chief of said division, in person or through his duly authorized deputies shall cause proceedings to be had in respect to said petition in the manner prescribed by Part 11 of Division 11 of the Water Code. Unless such reason is stated in the petition the same shall not be acted upon.

SEC. 31. Section 42 is added to said act, to read:

SEC. 42. If the chief of the division finds that the tract or any part thereof lies outside the watershed of such zone, he shall, subject to the rights of bondholders of such zone, order the exclusion of so much of the tract as is so situated; and if he also finds that the tract thus excluded lies within the watershed of any other zone he shall thereupon order the tract included within such other zone, whether such inclusion was prayed for by the petitioners or not.

SEC. 32. Section 43 is added to said act, to read:

SEC. 43. Division 11 of Part 11 of the Water Code is incorporated in this act by reference and all of the provisions thereof governing hearings, order, and the expenses of conducting proceedings had under Sections 40, 41, and 42 of this act; and the chief of said division shall have all of the powers thereby conferred upon boards and shall act in the stead thereof.

SEC. 33. Section 44 is added to said act, to read:

SEC. 44. When the Chief of the Division of Water Resources orders a tract excluded or included, the Board of Supervisors of Ventura County shall thereupon take such action as may be necessary to comply with the provisions of Section 9 hereof respecting the division of districts for election purposes; provided, however, that the directors then in office shall continue to serve until the expiration of their terms.

SEC. 34. Section 45 is added to said act, to read:

SEC. 45. When a dispute arises between two or more zones as to the limits of any watershed, the board of directors of such zones may investigate such dispute and arbitrate or otherwise determine the same without the intervention of the Division of Water Resources. Any determination of such a dispute shall be evidenced by the joint resolution of a majority of the members of the board of directors of each of the zones involved; and such determination shall become effective upon the recording of such joint resolution in the office of the County Recorder of said Ventura County.

SEC. 35. Section 46 is added to said act, to read:

SEC. 46. No exclusion of property from a zone under the provisions of Sections 40 to 45, inclusive, of this act, shall be deemed to impair the obligation or security of any bond issue by the zone prior to the date of the order or resolution effectuating the exclusion."

Amendment No. 3

On page 1 of said bill, strike out lines 2 to 27, inclusive, and strike out pages 2 to 9, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 681

Senator Keating moved that Senate Bill No. 681 be withdrawn from Committee on Governmental Efficiency for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 681—An act to amend Sections 9351, 9351.3, 9353.6, and 9359.1 of, and to add Sections 9355.4 and 9355.5 to, the Government Code, relating to the retirement of legislators and state officers.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "9353.6," insert "9359,".

Amendment No. 2

On page 2, between lines 18 and 19, insert

"Sec. 6. Section 9359 of said code is amended to read:

9359. Upon his written application therefor to the Board of Administration, (a) any member of this system who has attained age 63 and who is entitled to be credited with one or more years of service, or (b) any member, regardless of age, who is entitled to be credited with twenty (20) or more years of service, shall be retired, and thereafter shall receive for life the retirement allowance provided in this chapter."

Amendment No. 3

On page 2, line 19, strike out "6.", and insert "7."

Amendment No. 4

On page 2, strike out lines 26 to 31, inclusive, and insert "credited at the time of his retirement, (a) not to exceed fifteen (15) years in the case of a Member of the Legislature, and (b) not to exceed ten (10) years in the case of any other officer. In no event shall any retirement allowance payable under this chapter exceed (a) in the case of Members of the Legislature, seventy-five percent (75%) of the compensation payable to Members of the Legislature at the time the payment of the allowance is made, or (b) in the case of officers other than Members of the Legislature, fifty percent (50%) of the compensation payable at the time the payment of the allowance is made, to the officer holding the office which the retired member last held prior to his retirement."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

CONSIDERATION OF DAILY FILE

MOTIONS TO RECONSIDER

Senate Bill No. 298—An act to add Article 10 to Chapter 4, Division 3, of the Business and Professions Code, relating to loyalty of attorneys.

Postponement of Motion to Reconsider

Senator Tenney moved that his motion to reconsider the vote whereby the amendments by Senator Salsman to Senate Bill No. 298 were adopted be continued until the next legislative day.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—30.

NOES—None.

THIRD READING OF SENATE BILLS

Senate Bill No. 1177—An act to amend Section 419, to repeal Sections 420, 420.1, 420.2, 420.3, 420.4, 420.5, 420.6, 420.7, 420.8, and 420.9, and to add Sections 420, 421, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 422.6,

423, and 423.1, of the Vehicle Code, relating to financial responsibility, and declaring the urgency thereof.

Bill read third time.

Motion to Amend

Senator Collier moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 9, of the printed bill, as amended in Senate April 13, 1949, strike out "five", and insert "fifteen".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 477—An act to add Article 4 to Chapter 7 of Division 5 of the Agricultural Code, relating to hazardous materials for use in agricultural operations.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "hazardous", and insert "injurious".

Amendment No. 2

On page 1 of said bill, as amended, in line 4, strike out "Hazardous", and insert "Use and Application of Injurious".

Amendment No. 3

On page 1 of said bill, as amended, in line 9, strike out "hazardous", and insert "injurious".

Amendment No. 4

On page 1 of said bill, as amended, in line 17, strike out "hazardous", and insert "injurious".

Amendment No. 5

On page 2 of said bill, as amended, in line 4, strike out "hazardous", and insert "injurious".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 437—An act to amend Section 11611 of the Business and Professions Code, relating to streets and easements in real estate subdivisions.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendments:

Amendment No. 1

Strike out line 12 of the printed bill, and insert "the streets or easements in conformance at least to minimum standards established by such governing body by local ordinance, and in addition may require the subdivider, at his option, to improve or agree to improve such streets or easements in accordance with higher standards established by such governing body by resolution for the particular subdivision pursuant to a finding of fact that such higher standards are necessary in the public interest."

Amendment No. 2

Strike out line 13.

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY
BILLS NOS. 1814 AND 1817**

Senator Salsman moved that Assembly Bills Nos. 1814 and 1817 be withdrawn from Committee on Governmental Efficiency and referred to Committee on Judiciary.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1823

Senator Salsman moved that Assembly Bill No. 1823 be withdrawn from Committee on Local Government and referred to Committee on Judiciary.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 21

Senator Salsman moved that Assembly Bill No. 21 be withdrawn from Committee on Military and Veterans Affairs and referred to Committee on Governmental Efficiency.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)
SECOND READING OF SENATE BILLS**

Senate Bill No. 130—An act to add Section 8275 to the Education Code, relating to the teaching of un-American systems of government upon state school property.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out "without compliance with", and insert "pursuant to".

Amendment No. 2

On page 1, lines 12 and 13, of said bill, strike out ", whether or not the teacher has been criminally prosecuted for such violation".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1395—An act to amend Section 411 of the Education Code, relating to the salary and credential of the county superintendent of schools of a county of the eleventh class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "ten thousand dollars (\$10,000)", and insert "nine thousand dollars (\$9,000)".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1420—An act to amend Section 425 of the Education Code, relating to the salary and credential of the county superintendent of schools of a county of the twenty-fifth class.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2218—An act to amend Sections 18541, 18543, 18973, 18974.5, 19390, 19392, 19394, 19395, 19397, 19398, 19399, 19401, 19402, 19403, and 19404 of, to repeal Sections 18540, 18970, 19391, 19393, and 19393.5 of, and to add Sections 18540, 18540.1, 18540.2, 18540.3, 18540.4, and 19401.1 to, the Government Code, relating to civil service rights of veterans and widows of veterans.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 3, line 5, of the printed bill as amended in Assembly April 20, 1949, after "enters", insert "or enlists in the".

Amendment No. 2

On page 3, line 14, of said bill, strike out "agency, or", and insert "agency or, where the employee has enlisted, not later than six months following the term of the enlistment, excluding any extension thereof, or, in either case,".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 725—An act to add Section 19333 to the Government Code, relating to authorizing absences from veterans' homes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 1, line 8, of the printed bill, after "courses", insert ", for a period not to exceed thirty days in any one calendar year,".

Amendment No. 2

On page 1, line 9, of said bill, after the period, insert "Any member so attending such schooling shall bear his own expenses but there shall be no interruption of normal salary or pay."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1201—An act to amend Section 987 of the Military and Veterans Code, relating to farm and home purchase.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1210—An act to amend Sections 210, 225, 250, 254, 261, 262, 269, and to repeal Section 322 of the Military and Veterans Code, relating to the organization of the National Guard, precedence in

rank, separation of personnel from service, the qualification for enlistment, the transfer and reduction of members of the National Guard, discharge certificates, the dishonorable discharge of members of the military or naval service of the State and the effect thereof and the pay of members of the National Guard while attending camps of instruction, drills or parades.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2851—An act relating to public officers and their return to public service from service in the armed forces.

Bill read second time, and ordered to third reading.

Assembly Bill No. 970—An act to add Sections 4874, 4901.1, 4901.2, 4901.3, 4901.4, 4901.5, 4901.6, 4902.1, 4902.2, 4902.4, 4905, 4905.1, 4906, 4907, 4908, 4909, 4910, 4911.1, 4912.1, 4915.1, 4917.1, 4931.1, 4954, and 4965.1 to the Education Code; to amend Sections 4873, 4885, 4886, 4887, 4901, 4902, 4903, 4904, 4911, 4912, 4914, 4915, 4917, 4918, 4919, 4919.1, 4920, 4931, 4932, 4941, 4942, 4943, 4946, 4962, 4963, and 4964 of said code; to amend and renumber Sections 4902.1, 4912.1, 4915.1, and 4917.1 of said code; to amend the headings of Articles 2, 4, and 5 of Chapter 16 of Division 2 of said code; to repeal Sections 4881, 4882, 4883, 4884, 4886, and 4887 of said code; and to repeal Article 3 of Chapter 16 of Division 2 of said code, all relating to the reorganization of school districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 16, line 34, of the printed bill, as amended in Assembly April 11, 1949, strike out "pupils residing", and insert "children who have not reached their 14th birthday, including children of preschool age, at the time of the petition. The parents or guardians eligible to sign such petitions shall be residents".

Amendment No. 2

On page 16 of said bill, strike out lines 37 to 39, inclusive, and insert "school district and shall be qualified electors within such district at the time the petition is filed."

Amendments read, and adopted.

Further Amendments to Assembly Bill No. 970

Motion to Amend

Senator Abshire moved the adoption of the following amendments:

Amendment No. 1

In line 13 of the title of the printed bill, as amended in Assembly, April 11, 1949, after "4901.6," insert "4902.05, 4902.06, 4902.07,".

Amendment No. 2

On page 6 of said bill, between lines 30 and 31, insert

"Sec. 17.1. Section 4902.05 is added to said code, to read:

4902.05. When the county committee has selected all or any portion of the county for possible recommendation for reorganization, each member of the governing board of each school district included within the territory to be considered shall be notified by registered letter sent by the county superintendent of schools of his addition to membership in the committee. For the purposes of constituting a quorum at the committee meetings, all of the members of the governing board of one school district attending the meeting shall count only as one member of the committee. For the purposes

of voting upon recommendations each school district so represented on the committee shall have only one vote. The district vote shall represent the decision of a majority of the members of the governing board of that district.

No recommendation for reorganization pursuant to Section 4902 shall be made until the augmented county committee established by this section has adopted the recommendation by a majority of all entitled to vote and no such action shall be taken prior to the third meeting of the augmented committee.

SEC. 17.2. Section 4902.06 is added to said code, to read:

4902.06. Notice of each meeting of the augmented committee established in Section 4902.05 shall be sent by registered mail to all members appointed pursuant to Section 4902.05 by the county superintendent of schools at least ten days prior to the date of such meeting.

SEC. 17.3. Section 4902.07 is added to said code, to read:

4902.07. The county committee as established in Section 4901 shall be augmented pursuant to Section 4902.05 for the purposes of action taken under Sections 4905 and 4907."

Amendment No. 3

On page 7, line 30, of said bill, strike out "may", and insert "shall".

Amendment No. 4

On page 7, line 48, of said bill, strike out "may", and insert "shall".

Amendment No. 5

On page 7, line 51, of said bill, strike out "if such a provision is included,".

Amendment No. 6

On page 8, line 10, of said bill, strike out "may propose to", and insert "shall have power to rearrange the boundaries of any of the trustee areas and".

Amendment No. 7

On page 8, lines 14 and 15, of said bill, strike out "or may propose to eliminate the trustee areas of any school district so divided".

Amendment No. 8

On page 8, line 44, of said bill, strike out "eliminating", and insert "rearranging the boundaries of".

Amendment No. 9

On page 8, line 45, of said bill, strike out "eliminating", and insert "rearranging the boundaries".

Amendment No. 10

On page 9 of said bill, strike out lines 16 to 19, inclusive, and insert "If a proposal for rearrangement of boundaries is approved by the electors, and if the boundary changes affect the board membership, any affected incumbent board members shall serve out his term of office and succeeding board members shall be nominated and elected in accordance with Section 4905."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1207—An act to amend Section 20894.5 of the Government Code and Sections 14702 and 14495.2 of the Education Code, relating to contributions of members of retirement system absent in military service.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 3, line 10, of the printed bill, as amended in Assembly April 15, 1949, after "made", insert "by the school district or districts".

Amendment No. 2

On page 3 of said bill, strike out line 11, and insert "shall be available only for the purpose of retirement for service or for disability, and shall be made available only for the purpose of retirement, and a member whose services are terminated for

reasons other than retirement after reinstatement from military service shall be entitled to withdraw only that portion of his accumulated contributions personally made by him."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1511—An act to amend Section 16252 of the Education Code, relating to the letting of contracts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "one thousand dollars (\$1,000)", and insert "five hundred dollars (\$500)".

Amendment No. 2

On page 1, line 7, of said bill, after "involved," insert "or in districts having an average daily attendance of sixty thousand or more, whenever an expenditure of more than one thousand dollars (\$1,000) is involved".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1510—An act to amend Section 16255 of the Education Code, relating to the transportation of pupils.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 11, of the printed bill, following the period, insert "No payments shall be made pursuant to this section unless it will be more economical to make the payments than to provide for said transportation."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1926—An act to amend Section 16486 and to add Section 16486a to the Education Code, relating to absences of pupils for dental treatment.

Bill read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 809

Senate Bill No. 811

Senate Bill No. 966

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 802

Senate Bill No. 813

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

BURNS, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 4.12 p.m., on motion of Senator Salsman, the President declared the Senate adjourned until 1.30 p.m., Tuesday, May 17, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTY-THIRD LEGISLATIVE DAY

ONE HUNDRED THIRTY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, May 17, 1949

The Senate met at 1.30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Powers, on motion of Senator Salsman, due to illness.

Senator Mayo, on motion of Senator Salsman, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Roy L. Epperson, principal, Mrs. Geraldine Loveda, Mrs. Margaret Hackenbracht, teachers, and the following students of the Ambrose Elementary School in Contra Costa County: Verda Masterson, Jolene Crabtree, J. V. Hickman, Betty Peebles, Janice McClelland, Robert Moore, Richard Sullivan, Richard Davis, Billy Smith, Bud Powell, Hector Lays, Manuel Gonzaga, Virgil Puckett, Steve Dominguez, Jim Rustamez, Henry De La Rosa, Barbara Smithson, Patsy Bartee, Delores Thornton, George Savage, Herbert Honea, Minette McEachin, Margaret Odom, Jerry Buffo, Louise Steele,

Alice Bobo, Minerva Spears, Flora Dean Ward, Geraldine Cobb, Billie Jean Stringer, Felix Romo, Leroy Vukad, Clark Crussell, Katherine Gray, Marlene Lett, Sam Cancilla, Earlyne Fullmer, Joyce Watkins, Helen Dominguez, Rose Marie Schimpfle, Frances Morris, Connie Ver-worn, Alfred Bedford, Billie Mazza, Shirley Grable, Patsy Edwards, Bobby Gay, Clarice Hickman, Norman Roberts, Dickie Towers, Norman Walker, Marvin Loyd, Roy Roberts, Fred Burton, Melvin Spencer, Delores Mendes, Bonnie Egbert, John Davis, Virgil East, Tony Ramirez, Margaret McCallum, Darlene Adcock, Orpha Jackson, Virginia Benam, Raymond Gonzales, and Edward Bias.

On request of Senator Miller, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Virginia Lee Maley, Carrie C. Autrey, teachers, and the following students of Pittsburg Senior High School of Pittsburg: Willie Davis, Molly Ahumada, Marlene Banister, Patricia Benko, Robert Bertoni, Celia Campes, Connie Catania, Diane Coleman, Jacqueline De Laney, Dan Durbin, Ray Enea, Rosalie Favalora, Richard Fisher, Carmen Gonzalez, Gene Grable, Beverly Guerriere, Carolyn Hawfield, Jim Kaufenberg, Eva Kunkle, Delores Irwin, Norman Le Va, Philip Greer, Helen Lucas, Faith Lucido, Celestine Magistrale, Norma Martini, John Montes, Maybelle Ong, Eugene Petrovay, Helen Ramirez, Anita Sapone, Sam Savinovich, Perry Silveira, Martha Smith, John Speck, Lynn Trembath, Lila Walker, and Beverly Williamson.

On request of Senator Watson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Rendel of Balboa.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eleanor Roach, Frankie Smith, and Dean Claude Welch of Los Angeles.

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. R. C. Lieser and son of Roseville.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Durand Kiefer of Del Mar.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Irene Scott, teacher, Mrs. Dillon, chaperon, and the following students of the California History Class of Santa Rosa High School of Santa Rosa: Pat Dillon, Don Bloyd, Rita Gemetti, Jimmie Harrison, Suzanne Dean, Clarence Wulf, Elizabeth Sokol, Donna Pappera, Janet John, Elnora Joiner, and Rolaline Brun.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Glen R. Baker of San Jose.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 656

Assembly Bill No. 1501

Assembly Bill No. 2177

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 522
Assembly Bill No. 776
Assembly Bill No. 971
Assembly Bill No. 1057
Assembly Bill No. 1274
Assembly Bill No. 1380
Assembly Bill No. 1382
Assembly Bill No. 1383
Assembly Bill No. 1665
Assembly Bill No. 1679

Assembly Bill No. 1729
Assembly Bill No. 1730
Assembly Bill No. 1760
Assembly Bill No. 1775
Assembly Bill No. 1802
Assembly Bill No. 2204
Assembly Bill No. 2269
Assembly Bill No. 2358
Assembly Bill No. 2530
Assembly Bill No. 3119

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 38
Assembly Joint Resolution No. 39

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 522—An act to amend Sections 4890 and 4910 of the Health and Safety Code, relating to sewer maintenance districts.
Referred to Committee on Public Health and Safety.

Assembly Bill No. 776—An act to amend Section 7100 of the Business and Professions Code, relating to contractors.
Referred to Committee on Business and Professions.

Assembly Bill No. 971—An act to amend Section 8728 of the Education Code, relating to the payment of tuition of high school pupils residing in elementary school districts not in high school districts.
Referred to Committee on Education.

Assembly Bill No. 1057—An act to add Sections 14307, 14308, and 14309 to the Revenue and Taxation Code, relating to the lien of inheritance tax.
Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1274—An act relating to the acquisition and construction of property for airports available for public use.
Referred to Committee on Public Utilities.

Assembly Bill No. 1380—An act to add Section 13405.1 to the Education Code, relating to teachers institutes.
Referred to Committee on Education.

Assembly Bill No. 1382—An act to repeal Section 362 of the Education Code, relating to the traveling expenses of county superintendents of schools.
Referred to Committee on Education.

Assembly Bill No. 1383—An act to add Sections 4861.1 and 4862.1 to the Education Code, relating to the membership of county superintendents of schools in societies, associations, and organizations.

Referred to Committee on Education.

Assembly Bill No. 1665—An act to amend Section 37900 of, and to add an article heading and Article 2, comprising Sections 37930 to 37935, inclusive, to Chapter 6, Part 2, Division 3, Title 4 of, the Government Code, relating to public works.

Referred to Committee on Local Government.

Assembly Bill No. 1679—An act to amend Sections 1174, 1175, and 1176 of the Government Code, relating to the deposit and disbursement of moneys withheld from salaries or wages paid to any person by the State or other public agencies pursuant to the Internal Revenue Law of the United States or any requirements of the Commissioner of Internal Revenue pursuant thereto, and to provide for the transfer of money heretofore deposited.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1729—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, as herein defined.

Referred to Committee on Local Government.

Assembly Bill No. 1730—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, as herein defined, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Local Government.

Assembly Bill No. 1760—An act to amend Sections 4714 and 7431 of the Education Code and to repeal Section 4965 of said code, all relating to school district bonds.

Referred to Committee on Education.

Assembly Bill No. 1775—An act to amend Section 4883 of, and to add Section 4880 to, the Public Resources Code, relating to burning of brush covered lands.

Referred to Committee on Natural Resources.

Assembly Bill No. 1802—An act to add Section 12024.4 to Chapter 1 of Division 5 of the Business and Professions Code, relating to the sale of poultry and rabbits by weight.

Referred to Committee on Agriculture.

Assembly Bill No. 2204—An act providing for license fees for the privilege of operating aircraft, providing for the exemption of such vehicles from all taxes according to value for state, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Aircraft Fee Fund and making an appropriation of the moneys therein.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2269—An act to amend Sections 15002, 15003, 15004, 15007, 15015, 15016, 15020, 15029, 15154, 15250, 15251, 15253, 15254, 15255, 15351, 15353, 15354, 15355, 15380, 15381, 15382, 15383, 15384, 15387, 15388, 15687, 15689, 15730, 15735, 15736, 15737, 15747, 15750, 16000, 16001, 16054, 16056, 16058, 15062, 16100, 16105, 16201, 16223, 16227, 16231, 16265, 16266.5, 16400, 16401, 16402, 16403, 16403.5, 16405, 16406, 16408, 16409, 16410, 16411, 16413, 16414, 16415, 16417, 16418, 16432, 16433, 16434, 16437, 16441, the heading of Chapter 14, Part 1, Division 13, Sections: 16501, 16504, 16520, 16521, 16523, 16527, 16600, the heading of Article 8, Chapter 14, Part 1, Division 13, Sections: 16670, 16672, 16677, 16678, 16679, the heading of Article 9 of Chapter 14, Part 1, Division 13, Sections: 16690, 16692, 16693, 16694, 16711, 16711.2, 16742, 16771, 16772, 16800, 16820, 16827, 16833, the heading of Chapter 20, Part 1, Division 13, Sections: 16900, 16901, 16904, 16906, 16950, 16953, 16959, 17000, 17001, 17002, 17080, 17088, 17152, 17154, 17157, the heading of Chapter 24, Part 1, Division 13, the heading of Article 1 of Chapter 24, Part 1, Division 13, Sections: 17250, 17251, 17254, 17255, 17260, 17261, 17262, 17263, 17264, 17265, 17267, heading of Article 2, Chapter 24, Part 1, Division 13, Sections: 17280, 17281, 17282, 17283, 17284, heading of Article 3, Chapter 24, Part 1, Division 13, Sections 17300, 17301, 17303, 17304, heading of Article 4, Chapter 24, Part 1, Division 13, Sections: 17320, 17324, 17324.5, 17340, 17452, 17453, 17455, 17456, 17457, 17459, 17465, 17466, 17481, 17482, 17483, 17484, 17501, 17503, 17504, 17507, 17509, 17531, 17532, 17551, 17552, 17580, 17581, 17584, 17701, 17702, 17702.5, 17704, 17704.1, 17705, 17800, 17801, 17809, 17810, 17814, 17815, and 17901 of the Health and Safety Code; to add Sections 15004.2, 15007.5, 15015.7, 15015.8, 15016.3, 15016.7, 15016.8, 15017.8, 15019.5, 15023.2, 15023.4, 15024.5, 15027.3, 15027.5, 15029.5, 15030.5, 15031.3, 15031.5, 15031.7, 15152.5, 15159, 15160, 15251.5, 15253.5, 15254.5, 15256, 15290.5, 15320, 15363, 15364, 15365, 15366, 15367, 15383.5, 15384.1, 15384.2, 15384.3, 15384.4, 15384.5, 15389, 16227.5, 16500.5, 16528, Sections 16679.5, 16711.3, Article 5 (comprising Section 16714), Chapter 14.5, Part 1, Division 13, Sections: 16777, 16778, Article 1, Chapter 20, Part 1, Division 13, Sections 16900.1, 16900.2, 16900.4, 16902.1, 16902.2, Article 2 (comprising Section 16910) to Chapter 20, Part 1, Division 13, Chapter 20.5 (comprising Sections 16930 and 16931) to Part 1, Division 13, Sections 17000.1, 17000.2, 17000.3, 17000.4, 17080.1, 17080.2, 17080.3, 17085.5, 17258.5, 17260.1, 17260.2, 17260.5, 17260.7, 17260.8, 17260.9, 17267.3, 17267.5, 17270, 17270.3, 17270.5, Article 1 (B) (comprising Section 17276), to Chapter 24, Part 1, Division 13, Sections 17283.5, 17285, 17286, 17287, 17288, 17289, 17290, 17291, 17300.5, 17306, 17307, 17308, 17309, 17310, 17311, 17312, 17313, 17325, 17326, 17327, 17328, 17329, 17330, 17455.5, 17457.5, 17486, 17513, 17533.5, 17554, 17704.2, 17704.3, 17705.1, 17705.2, 17708, 17709, 17710, 17711, 17712, 17713, 17801.5, 17809.5, 17811.1, 17811.2, 17811.3, 17811.4, 17814.1, 17814.2, 17814.3, 17815.1, 17815.2, 17815.3, 17815.4, and 17831 to said code, and to repeal Sections 15021, 15252, 15315, 15316, 15317, 15318, 15319, 16057, 16224, 16225, 16412, 16419, Article 7 comprising Sections: 16650 to 16655, inclusive) of Chapter 14, Part 1, Division 13, Chapter 15 (comprising Sections: 16720 and 16720.5) of Part 1, Division 13, Sections 16773, 16774, 16951, 16952, 16954, 16955, 16956, 16957, 16958,

Article 2 (comprising Sections 17020 to 17023, inclusive) of Chapter 22, Part 1, Division 13, Article 3 (comprising Sections 17040 to 17045, inclusive) of Chapter 22, Part 1, Division 13, Article 4 (comprising Sections 17060 to 17062, inclusive) of Chapter 22, Part 1, Division 13, Sections 17081, 17082, 17083, 17084, 17086, 17087, 17266, 17454, 17460, 17464, of said code, relating to the State Housing Act.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2358—An act to amend Sections 5400, 5402, and 5404 of the Public Resources Code, relating to recreation, park and parkway districts.

Referred to Committee on Local Government.

Assembly Bill No. 2530—An act to amend Section 1303 of the Education Code, relating to superintendents of schools.

Referred to Committee on Education.

Assembly Bill No. 3119—An act to amend Sections 14480.2, 14503, and 14505 of, and to add Sections 14516, 14532, 14550, and 14594 to, the Health and Safety Code, relating to county fire protection districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Local Government.

Assembly Joint Resolution No. 38—Relative to the Sacramento River Flood Control Project.

Referred to Committee on Rules.

Assembly Joint Resolution No. 39—Relative to preservation of forest areas in Tuolumne and Calaveras Counties.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Rules has appointed Senator Dilworth to act as Vice Chairman of the Committee on Education.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 437

Senate Bill No. 477

Senate Bill No. 1177

And reports the same correctly re-engrossed.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 130

Senate Bill No. 1395

Senate Bill No. 1420

And reports the same correctly engrossed.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 6—An act to add Section 2333.5 to the Health and Safety Code, relating to annexation of cities to mosquito abatement districts;

Senate Bill No. 202—An act to amend Section 1530a of the Probate Code, relating to powers and duties of guardians;

Senate Bill No. 229—An act to amend Section 12500 to the Education Code, relating to fees for credentials and life diplomas;

Senate Bill No. 380—An act to amend Section 754 of the Probate Code, relating to decedents' estates;

Senate Bill No. 384—An act to amend Section 390 of the Penal Code, relating to railway crossing warning;

Senate Bill No. 551—An act to amend Sections 446, 450, 452, 453, and 457 of the Education Code, relating to the salaries of the county superintendents of schools of counties of the forty-sixth, fiftieth, fifty-second, fifty-third, and fifty-seventh classes respectively;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of May, 1949, at 10 a.m.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 653—An act to add Sections 16006 and 16007 to the Education Code, relating to the admission of pupils to school;

Senate Bill No. 674—An act to provide for the expansion of publicly supported higher education and to repeal an act entitled "An act establishing a four-year institution of higher education in the City of Sacramento, County of Sacramento," approved July 1, 1947 (Chapter 1017 of the Statutes of 1947), and an act entitled "An act making an appropriation for the establishment, equipment and maintenance of a four-year state institution of higher education at Sacramento," approved July 10, 1947 (Chapter 1349 of the Statutes of 1947), all relating to the system of publicly supported higher education;

Senate Bill No. 675—An act to amend Section 28111 of the Government Code, relating to compensation for public service in counties of the eleventh class;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of May, 1949, at 10 a.m.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 741—An act to amend Section 3 of an act entitled "An act to release the Regents of the University of California from all obligations assumed by said the Regents of the University of California pursuant to the provisions of Sections 1, 2, and 3 of an act entitled, 'An act appropriating five hundred twenty-five thousand dollars (\$525,000) to be used and expended by the Regents of the University of California for the construction and equipment of a building or buildings on the site of the University of California at Los Angeles; providing that none of said money shall be drawn or expended until said the regents shall deliver to the Chairman of the Department of Finance an obligation binding said the regents (a) to set aside for sale certain real property in Los Angeles owned by said the regents; (b) not to use or permit to be used the same so as to interfere with or prevent its sale, provided, that said the regents may lease the whole or part of said property for periods of not more than six months; (c) to sell parts or parcels of said property or the whole at such prices and on such terms and conditions as said the regents with approval of the Department of Finance shall fix; (d) to pay over to the State Treasury all sums received from sales or rentals, less the costs of selling and leasing and the necessary costs of care and maintenance of said real property; providing that on sale of the last part or the whole of said real property and payment of all moneys agreed to be paid into the State Treasury by said the regents, the Chairman of the Department of Finance shall deliver to said the regents a written acknowledgment that all requirements of said the regents' obligation have been performed and further providing that said the regents shall thereupon be discharged of every duty and requirement in the premises, declaring the urgency thereof and providing that this act shall take effect immediately,' approved May 31, 1929, assenting to the conveyance to the State of California by the Regents of the University of California of certain real property in the City of Los Angeles, providing for the transfer to the State of California of leases and contracts of sale affecting said real property, and providing for the sale of such property by the State," approved April 21, 1943, relating to interests in real property owned by the Regents of the University of California;

And reports that the same has been correctly enrolled, and presented to the Governor on the seventeenth day of May, 1949, at 10 a.m.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 812—An act to amend Sections 2701 and 2736.5, and to repeal Sections 2727.5, 2735, 2825, and 2826 of the Business and Professions Code, relating to the practice of nursing the sick or afflicted;

Senate Bill No. 816—An act to amend Section 2554 of the Business and Professions Code, relating to funds of the Board of Medical Examiners;

Senate Bill No. 826—An act to amend Section 951 of the Streets and Highways Code, relating to side paths;

Senate Bill No. 852—An act to amend Sections 12127, 12128, 12129, 12130, 12131, 12134, 12135, 12136, 12137, and 12144 of the Education Code, relating to the credentials authorizing service in the public schools;

Senate Bill No. 971—An act to amend Sections 700.01, 700.02, and 1594 of the Insurance Code, to renumber and amend Section 1584 of said code, to repeal Section 1582 of said code, and to add Section 700.05 to said code, relating to insurance;

Senate Bill No. 1041—An act to amend Sections 465.8 and 465.9 of the Vehicle Code, relating to highway name signs;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of May, 1949, at 10 a.m.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1171—An act to repeal Chapter 3.3 of Part 6, Division 1, comprising Sections 3490 to 3494, inclusive, of the Revenue and Taxation Code, relating to the disposition of tax delinquent property;

Senate Bill No. 1246—An act to amend Section 110.5 of the Business and Professions Code, relating to the Division of Administrative Procedure;

Senate Bill No. 1337—An act to amend Section 2952 of the Civil Code, relating to the recordation of mortgages and deeds of trust;

Senate Bill No. 1545—An act to amend Section 1620 of the Welfare and Institutions Code, relating to the inspection and licensing of boarding homes, day nurseries and schools;

Senate Bill No. 1617—An act to add Section 42.1 to an act entitled "Drainage District Act of 1903," relating to drainage districts;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of May, 1949, at 10 a.m.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 53—Approving the charter of the City of Merced, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twelfth day of April, 1949;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the seventeenth day of May, 1949, at 10 a.m.

SALSMAN, Vice Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2054

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1567

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1318

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 54

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

SALSMAN, Vice Chairman

Above reported resolution ordered to third reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 61: By Senators Johnson, Regan, and Gibson—Relative to Park and Recreation Week.

Request for Unanimous Consent

Senator Johnson asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 61, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 61

Senate Concurrent Resolution No. 61—Relative to Park and Recreation Week.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Johnson, Judah, Kraft, McBride, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS**

Consideration of Assembly Amendments

Senate Bill No. 187—An act to amend Section 13424 of the Education Code, relating to the attendance of teachers upon teachers institutes.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 187?

Amendment No. 1

On page 1, line 8, of the printed bill, as amended in the Senate on March 28, 1949, after "institute", insert "or thirty-five dollars (\$35), whichever is the lesser amount".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 187 by the following vote:

AYES—Senators Abshire, Brown, Burns, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—29.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 353—An act to amend Section 21 of the Fish and Game Code, relating to powers and duties of the Fish and Game Commission.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 353?

Amendment No. 1

On page 1, line 22, of the printed bill, as amended in the Senate on April 18, 1949, after "bonded", insert "or he is bonded under a master bond approved by the Director of Finance".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 353 by the following vote:

AYES—Senators Abshire, Breed, Brown, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—29.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Joint Resolution No. 4—Relative to establishing a nine-county area to be known as the San Francisco Bay Area.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Joint Resolution No. 4?

Amendment No. 1

On page 3, line 20, of the printed measure, as amended in the Senate on April 21, 1949, strike out "suitable".

The roll was called, and the Senate concurred in Assembly amendment to Senate Joint Resolution No. 4 by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse,

Johnson, Judah, Keating, Kraft, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—31.
NOES—None.

Above resolution ordered enrolled.

Consideration of Assembly Amendments

Senate Joint Resolution No. 20—Memorializing the Congress of the United States to modify the classification of items subject to tax as luxuries.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Joint Resolution No. 20?

Amendment No. 1

On page 1, line 2, of the printed measure, strike out "principal", and insert "principle".

The roll was called, and the Senate concurred in Assembly amendment to Senate Joint Resolution No. 20 by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—30.
NOES—Senator Drobish—1.

Above resolution ordered enrolled.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Salsman:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Sections 20.5, 20.6, 20.7, 49.5, and 81 to an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, re-enacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, relating to water conservation districts.

Respectfully submitted,

SENATOR SALSMAN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 17, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SALSMAN, Vice Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—30.
NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Sutton:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 13.8 to the Construction and Employment Act, relating to projects for which the county allocation thereunder is available, providing for the construction and improvement of existing waterworks systems by county water districts, and declaring the urgency thereof, to take effect immediately.

Respectfully submitted,

SENATOR SUTTON

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 17, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SALSMAN, Vice Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 1632: By Senator Salsman—An act to add Sections 20.5, 20.6, 20.7, 49.5, and 81 to an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, relating to water conservation districts.

Referred to Committee on Water Resources.

Senate Bill No. 1633: By Senator Sutton—An act to add Section 13.8 to the Construction and Employment Act, relating to projects for which the county allocation thereunder is available, providing for the construction and improvement of existing waterworks systems by county water districts, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

CONSIDERATION OF DAILY FILE (RESUMED)
MOTION TO RECONSIDER

Senate Bill No. 298—An act to add Article 10 to Chapter 4, Division 3, of the Business and Professions Code, relating to loyalty of attorneys.

Motion to Reconsider Senate Bill No. 298

Pursuant to his motion previously made, Senator Tenney moved that the Senate at this time reconsider the vote whereby the amendments by Senator Salsman to Senate Bill No. 298 were adopted.

The roll was called, and the amendments by Senator Salsman to Senate Bill No. 298 were reconsidered by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—29.

NOES—Senators Miller and O'Gara—2.

Further Consideration of Senate Bill No. 298

Senate Bill No. 298—An act to add Article 10 to Chapter 4, Division 3, of the Business and Professions Code, relating to loyalty of attorneys.

Bill read third time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 19, of the printed bill, as amended in Senate May 11, 1949, strike out "have never been", and insert "am not now".

Amendment No. 2

On page 2, line 20, of said bill, strike out "or directly or indirectly supported or followed", and insert "nor do I directly or indirectly support".

Amendment No. 3

On page 4, line 25, of said bill, after "is", insert "known to such person to be".

Amendment No. 4

On page 2, line 29, of said bill, strike out "has been, or is," and insert "is".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Chief Assistant Secretary Cleve V. Taylor at the Desk

THIRD READING OF SENATE BILLS

Senate Bill No. 191—An act to amend Sections 5932, 7003, and 7791.5, to add Sections 5911.5, 5931.1, 7103.5, 7208.5, and 7208.7 and Article 1.5, consisting of Sections 7031 to 7038, inclusive, to Chapter 1 of Division 9, all of the Elections Code, relating to elections, including provisions relating to ballots and absent voting.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m., having arrived, Assembly Bill No. 429 was taken up.

Assembly Bill No. 429—An act to add Section 3370 to the Civil Code, relating to injunctive relief in connection with an act of unfair competition as defined in the Unfair Practices Act.

Motion to Reconsider Assembly Bill No. 429

Pursuant to his motion previously made, Senator Ward moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 429 was refused passage.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Ward moved a call of the Senate.

Motion carried. Time 2.45 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE
CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 615—An act to amend Section 27164 of the Streets and Highways Code, relating to bridge and highway districts, and to the acquisition and construction of property thereby.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Rich, Sutton, Swing, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 2.50 p.m., on motion of Senator Ward, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 429 reconsidered by the following vote:

AYES—Senators Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Gibson, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Swing, Tenney, Ward, Watson, Weybret, and Williams—21.

NOES—Senators Abshire, Breed, Brown, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Miller, Regan, Rich, Salsman, and Sutton—15.

Further Consideration of Assembly Bill No. 429

Assembly Bill No. 429—An act to add Section 3370 to the Civil Code, relating to injunctive relief in connection with an act of unfair competition as defined in the Unfair Practices Act.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out the period after the word "Code", and insert "except that no action may be prosecuted by any district attorney in this State for a violation of the said "Unfair Practices Act" except as provided in Article 6 thereof."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 619—An act to amend Sections 27281 and 27300 of the Streets and Highways Code and to add Sections 27174, 27281a, and 27300a thereto, relating to bridge and highway districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Donnelly, Drobish, Gibson, Hulse, Johnson, Judah, Keating, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1177—An act to amend Section 419, to repeal Sections 420, 420.1, 420.2, 420.3, 420.4, 420.5, 420.6, 420.7, 420.8, and 420.9, and to add Sections 420, 421, 422, 422.1, 422.2, 422.3, 422.4, 422.5, 422.6, 423, and 423.1, of the Vehicle Code, relating to financial responsibility, and declaring the urgency thereof.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Miller, O'Gara, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 126—An act to add Section 639 to the Agricultural Code, relating to milk products.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 477—An act to add Article 4 to Chapter 7 of Division 5 of the Agricultural Code, relating to injurious materials for use in agricultural operations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, McBride, Miller, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 366—An act to amend Section 205.5 of the Agricultural Code, relating to animal diseases.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Johnson, Judah, Keating, McBride, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 856—An act to amend Section 737ccc of the Political Code, relating to the salary of superior judges in and for the County of Yolo.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Gibson, Hatfield, Johnson, Judah, Keating, McBride, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 857—An act making an appropriation to the emergency fund specified in Item 278 of the Budget Act of 1949, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 857:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 6, 1949

To the Honorable Members of the Senate

Sacramento, California

GENTLEMEN:

Senate Bill No. 857, "An act making an appropriation to the emergency fund specified in Item 278 of the Budget Act of 1949, relating to the repair and restoration of property damaged or destroyed by storms or floods and the expenditure of money appropriated therefor,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

This bill does not appropriate new funds, but appropriates the unencumbered balance of an appropriation made in 1947 to the emergency fund specified in Item 278 of the Budget Act of 1949, for the cost of repair or restoration of certain damage done by storm or flood. Consideration of this item before the budget has been recommended by the Director of Public Works to permit the State Engineer to begin work on these items as soon as possible.

I, therefore, recommend consideration of Senate Bill No. 857 as an emergency measure.

Respectfully submitted,

EARL WARREN, Governor

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Johnson, Judah, Keating, McBride, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, McBride, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 437—An act to amend Section 11611 of the Business and Professions Code, relating to streets and easements in real estate subdivisions.

Motion to Set Special Order

Senator Hatfield moved that Senate Bill No. 437 be made a special order of business for Thursday, May 19, 1949, at 2.30 p.m.

Motion carried.

Senate Concurrent Resolution No. 58—Relative to approving amendments to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of May, 1949.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hulse, Johnson, Keating, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 1188—An act to amend Section 8506 of the Business and Professions Code, relating to structural pest control.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, McBride, Miller, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Salsman Presiding

At 3.35 p.m., Senator Byrl R. Salsman, vice chairman of the Committee on Rules, presiding.

Senate Bill No. 1190—An act to amend Sections 8507, 8520, 8554, and 8620 of the Business and Professions Code, relating to structural pest control.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hulse, Johnson, Judah, Keating, McBride, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1198—An act to amend Sections 8560, 8562, 8564, 8565, and 8566 of the Business and Professions Code, relating to structural pest control.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, McBride, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 36—An act to add Section 2137.1 to the Business and Professions Code, relating to the practice of medicine within state institutions, prisons, or homes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Keating, McBride, Miller, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator McBride Presiding

At 3.43 p.m., Senator James J. McBride of the Thirty-third District, presiding.

Senate Bill No. 1191—An act to add Sections 8514 and 8515 to the Business and Professions Code, relating to structural pest control.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Keating, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1193—An act to amend Sections 8592 and 8610 of the Business and Professions Code, relating to structural pest control.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Johnson, Keating, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1195—An act to amend Section 8567 of, and to repeal Section 8572 of the Business and Professions Code, relating to structural pest control.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1196—An act to amend Section 8674 of the Business and Professions Code, relating to structural pest control.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Crittenden, Cunningham, Dillinger, Donnelly, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 463—An act to amend Sections 12701, 12704, 12706, and 12707 of the Business and Professions Code, relating to public weighmasters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobash, Gibson, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 795—An act to add Article 6 to Chapter 1, Division 2 of the Business and Professions Code, relating to licentiates of boards within the Department of Professional and Vocational Standards and including unearned rebates, refunds and discounts.

Bill read third time.

Motion to Amend

Senator Burns moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 8, of the printed bill, as amended in Senate May 13, 1949, strike out "or Division 3".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Joint Resolution No. 29—Relative to supplemental direct loans to veterans.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 1395—An act to amend Section 411 of the Education Code, relating to the salary and credential of the county superintendent of schools of a county of the eleventh class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1420—An act to amend Section 425 of the Education Code, relating to the salary and credential of the county superintendent of schools of a county of the twenty-fifth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER SENATE BILL NO. 1207

Senator Parkman moved that Senate Bill No. 1207 be re-referred to Committee on Revenue and Taxation.

Motion carried.

MOTION TO CORRECT SENATE JOURNAL

Senator Tenney moved that his motion appearing on page 1924 of the Senate Journal of May 16, 1949, regarding the printing of a report concerning the State Department of Social Welfare, be corrected to read:

Senator Tenney moved that the following report to the Chairman of the Senate Fact-Finding Committee on Un-American Activities concerning the State Department of Social Welfare be printed in the Journal.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 346

Senator Breed moved that Senate Bill No. 346 be withdrawn from Committee on Revenue and Taxation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 346—An act to add Section 6356.5 to the Revenue and Taxation Code, relating to the exemption from the sales and use taxes of property purchased for use or consumption outside the United States aboard vessels.

Bill read second time.

Motion to Amend

Senator Breed moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 7, inclusive, and insert "6356.5. There are also exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use or other consumption, of tangible personal property, except fuel oil, purchased in this State for use or consumption on vessels engaged in or to be engaged in the transportation of persons or property in interstate or foreign commerce if the use tax would be inoperative under the Constitution or laws of the United States or the Constitution of this State as to similar property purchased in another state and put into use or partially consumed on vessels engaged in such commerce before entering this State."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

RESOLUTIONS

The following resolution was offered :

By Senator Hulse :

Senate Resolution No. 102

Relative to augmenting the funds of the Senate Committee on State and Local Taxation

Resolved by the Senate of the State of California, That, in addition to any money heretofore made available, the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the Senate Committee on State and Local Taxation (created by Senate Resolution No. 122, as amended, 1947 Regular Session) and its members and for any charges, expenses, or claims incurred by it under said resolution, during the period for which it was created (until the last legislative day of the 1949 session), to be paid from the Contingent Fund of the Senate and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered :

Senate Concurrent Resolution No. 62: By Senators Hatfield, Jespersen, Dillinger, McBride, Salsman, Crittenden, Hulse, Swing, Donnelly, Brown, Weybret, Sutton, Gibson, Abshire, Johnson, Rich, Burns, Williams, Dilworth, Dorsey, Regan, Keating, Collier, Watson, Cunningham, Judah, Coombs, Kraft, Desmond, Drobish, Parkman, Tenney, Miller, Ward, Breed, and Busch—Relative to the apportionment and expenditure of federal aid secondary highway funds under the Federal-Aid Highway Act of 1948.

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)**SECOND READING OF SENATE BILLS**

Senate Bill No. 1297—An act to amend Section 19538 of the Business and Professions Code, relating to horse racing and providing for "charity days."

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency :

Amendment No. 1

In the title of the printed bill, strike out "Section 19538 of", and insert "Sections 19484 and 19538 of, and to add Sections 19538.1 and 19538.2 to".

Amendment No. 2

On page 1, line 1, of said bill, after "Section 1.", strike out the balance of page 1, and insert "Section 19484 of the Business and Professions Code is hereby amended to read :

19484. No deposit fee shall be required for horse racing meetings conducted by the State Agricultural Society, by a county fair, by a district agricultural association, or by a charity day licensee under Section 19538.

SEC. 2. Section 19538 of said code is hereby amended to read :

19538. The board shall grant additional racing days in connection with any one regular meeting equal to one day for each ten regular racing days and one day for any regular racing days in such regular meeting in excess of a multiple of ten

regular racing days, but not to exceed a total of five such additional days to be conducted as charity days by one or more charity day licensees selected and qualified as provided in Section 19538.1 hereof.

The board shall issue a license to each such charity day licensee and the operations and racing on such additional day or days shall be conducted by such charity day licensee; provided, that notwithstanding any other provisions in this chapter to the contrary, the charity day licensee shall select as its agent for the actual conduct of racing on such charity days the licensee of the regular meeting in connection with which such additional days have been granted. The board shall require that the licensee of such regular meeting shall act as agent of the charity day licensee and shall furnish its plant, facilities and all personnel and property necessary for the conduct of racing on the charity days as a condition of the issuance of a license to the licensee for the regular meeting. All racing officials required by law or regulation to serve in connection with the regular meeting shall also serve, without further authority or designation, in their respective capacities and at the same rate of compensation in connection with the charity day racing.

On such charity days the income from all operations carried on in connection with or resulting from the conduct of racing on such charity days, including income from pari-mutuel wagering, admissions, parking, program sales and concessions, shall be income of the charity day licensee. From the gross income from such operations on charity days there shall be deducted only the direct expenses incurred because of the conduct of racing on these days, and no profit shall be made, either directly or indirectly, from such charity day operations by the licensee of the regular meeting acting as agent for the charity day licensee hereunder.

SEC. 3. Section 19538.1 is added to said code, to read:

19538.1. The licensee to conduct charity days shall always be a nonprofit organization or corporation, or nonprofit organizations or corporations, selected by the licensee of the regular meeting and approved by the California Horse Racing Board. Each such licensee to be qualified hereunder must conform to the then existing laws and regulations of this State and the United States, so as to be exempt or be entitled to exemption from the payment of any tax measured by income. Two-thirds of the number of the individuals constituting the governing board of trustees or directors of such charity day licensee shall not be directly connected with or have a substantial interest in the racing association which is the licensee of the regular race meeting. Each of the individual trustees or directors who are not so connected with or interested in the regular licensee shall be a person who is at the time (a) a resident of the State of California, and (b) an executive, officer, director, trustee or member of the governing body or board, by whatever name such governing body or board may be known, of an organization engaged in civic, religious, charitable, educational or veteran activities in the State of California.

SEC. 4. Section 19538.2 is added to said code, to read:

19538.2. Each such charity day licensee shall distribute not less than 90 percent of the aggregate proceeds from charity days racing received and available for distribution by it to beneficiaries within twelve calendar months from the date of the last charity day or from the last day of the regular racing meet in connection with which such charity days are granted, whichever is the later. The balance, if any, of such aggregate proceeds not distributed within such twelve month period shall be distributed as soon thereafter as is practicable. Such distribution shall be made by such charity day licensee to beneficiaries entitled by law to receive the same and themselves qualified as exempt or entitled to exemption from taxes measured by income under the same provisions of the laws of this State and of the United States as those under which the charity day licensee is qualified, and which beneficiaries are engaged in charitable or benevolent work similar to that of agencies recognized by an organized community chest in the State of California, but not excluding the use of funds so distributed for capital expenditures by such beneficiaries. Such beneficiaries, in addition, must be approved by the California Horse Racing Board. Each charity day licensee, within such twelve-month period and prior to payment of any contribution to any beneficiary, shall submit to the California Horse Racing Board the names of each of such beneficiaries for the approval of such board. If the board shall not disapprove such listed beneficiaries within sixty days after the submittal to such board of the names of the proposed beneficiaries, then the approval of such board shall be deemed to have been given."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1113—An act to amend Section 19480.5 of the Business and Professions Code, relating to the issuance of licenses to conduct horse racing meetings.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

Starting with line 11 of the bill, strike out all that is in italics, and insert "In making such determination the phrase 'will be in the public interest and will subserve the purposes of this chapter', shall be construed to mean the encouragement of agriculture and horse breeding at the place and the immediate surrounding area thereof where it is proposed to construct a tract for horse racing meetings."

Amendment read, and adopted.

Bill ordered printed.

Motion to Re-refer Senate Bill No. 1113

Senator Swing moved that Senate Bill No. 1113 be re-referred to Committee on Governmental Efficiency.

Motion carried.

Senate Bill No. 1164—An act to amend Section 19482 of the Business and Professions Code, relating to licenses to conduct horse racing meetings.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 7 of the printed bill, strike out "other cause beyond the control of the licensee.", and insert "catastrophe".

Amendment No. 2

In line 8 of said bill, after "Board", strike out the period, and insert "in the same area."

Amendment No. 3

In line 9 of said bill, after "the", strike out "State", and insert "area".

Amendment No. 4

In line 13 of said bill, after the period, insert "The consent of the licensee of any race track in California shall be first obtained by the Racing Board before any such racing meet is transferred by reason of any fire, flood or other catastrophe."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 357—An act to amend Section 19539 of the Business and Professions Code, relating to harness horse racing.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1078—An act to amend Section 19432 of the Business and Professions Code, relating to reports of the California Horse Racing Board.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1298—An act to amend Section 19511 of the Business and Professions Code, relating to licensing of persons participating in or having to do with the racing of horses.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1304—An act to amend Section 222 of the Vehicle Code, relating to stolen vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 1

On page 1 of the printed bill, after line 29, insert

"181. Department to Transfer Registration. (a) The department upon receipt of a properly endorsed certificate of ownership and the proper registration card and upon receipt of the required fee shall reregister the vehicle under its registration number in the name of the new owner, and new legal owner if any, and shall issue a new registration card and certificate of ownership as provided upon an original registration.

[(b) The department before transferring the registration of a vehicle shall check the certificate or application for such transfer against the stolen vehicle index maintained as provided in this code and determine therefrom that it is not a stolen vehicle.]"

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1093—An act to add Article 6 to Chapter 1 of Part 5 of Division 12, and amend and renumber Sections 31026 and 31027, of the Water Code, relating to the acquisition, construction, maintenance, and operation of sewer facilities by or in county water districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 436—An act to amend Section 5 of the California Water District Act, relating to districts organized under said act.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 462—An act to add Section 12500.5 to, and to amend Section 12501 of, the Business and Professions Code, relating to weighing and measuring instruments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 12501", and insert "Sections 12500 and 12501".

Amendment No. 2

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 12500 of the Business and Professions Code is amended to read:

12500. As used in this chapter:

(a) "Weighing instrument" means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining weight and includes any tool, appliance, or accessory used or connected therewith.

(b) "Measuring instrument" means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining measure and includes any tool, appliance, or accessory used or connected therewith.

(c) "For commercial purposes" or "commercially" means for the purposes of exchanging, buying, selling, or the trading in, commodities.

SEC. 2. Section 12500.5 is added to the Business and Professions Code, to read:"

Amendment No. 3

On page 1, line 18, of said bill, strike out "SEC. 2.", and insert "SEC. 3."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 802 An act to amend Section 7205, and to add Sections 7214, 7215, 7216, and 7217 to of the Business and Professions Code, relating to the members of the State Board of Guide Dogs for the Blind, and the regulation of guide dog schools.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1 of the printed bill, in line 21, following "dog", insert "to a blind person".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 813—An act to amend Sections 9510, 9512, 9540.2, 9551, 9564, of, and to add Section 9524 to the Business and Professions Code, relating to establishments regulated by the State Board of Dry Cleaners.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "9564,".

Amendment No. 2

On page 1, line 9, of said bill, following "ownership of", strike out "an".

Amendment No. 3

On pages 2 and 3 of said bill, strike out lines 43 to 49 of page 2, and lines 1 and 2 of page 3.

Amendment No. 4

On page 3, line 3, of said bill, following "Sec.", strike out "6", and insert "5".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 809—An act to amend Sections 6722, 7017, 8537, 8714, and 8926 of the Business and Professions Code, relating to reports to the Governor by certain officers and boards within the Department of Professional and Vocational Standards.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 811—An act to repeal Section 4132.5 of the Business and Professions Code, relating to qualifications for registration as a licentiate in pharmacy.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 966—An act to repeal Article 9, and to amend Section 3125 of Article 3, Chapter 5, Division 2, of the Business and Professions Code, relating to midwives.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1451—An act to amend Sections 12184, 12185, 12186, and 12192 of the Government Code, relating to fees of the Secretary of State.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1555—An act to add Section 6 to an act entitled "An act providing for the joint exercise of powers by public agencies," approved May 20, 1921, and to add Section 6513 to the Government Code, relating to privileges and immunities of officers and employees while acting under the joint exercise of powers by public agencies.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2980—An act to amend Section 24402 of the Education Code, relating to community recreation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 24402", and insert "Sections 24402 and 24405".

Amendment No. 2

On page 2 of said bill, after line 7, insert

"SEC. 2. Section 24405 of the Education Code is amended to read:

24405. The governing body of any public authority other than a school district may designate any already existing board, officer, or employee of the public authority to exercise the powers granted by this chapter to carry out the purposes of this chapter, or may provide for the appointment of a board of recreation commissioners to exercise such powers. *A school district may appoint one or more members of the board of trustees, officers or employees, to represent the district on a board of recreation commissioners.*"

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 808—An act to add Part 2, comprising Sections 23001 to 26481a, inclusive, to Division 2 of, and to add Sections 50016 and 50017 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Bank and Corporation Franchise Tax Act and the Corporation Income Tax Act, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which was referred:

Senate Bill No. 1005

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 8; committee vote: Ayes 6; absent 2.

BREED, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which were referred:

Assembly Bill No. 1629

Assembly Bill No. 2501

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 6; absent 2.

BREED, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 1732

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Public Health and Safety.

Committee membership 8; committee vote: Ayes 6; absent 2.

BREED, Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Senate Bill No. 870

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 9; absent 4.

COLLIER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Assembly Concurrent Resolution No. 46

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 13; committee vote: Ayes 9; absent 4.

COLLIER, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Transportation, to which were referred:

Senate Bill No. 254

Assembly Bill No. 95

Senate Bill No. 224

Assembly Bill No. 244

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 9; absent 4.

COLLIER, Chairman

Above reported bills ordered to second reading.

Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: The Committee on Public Utilities, to which was referred:

Assembly Bill No. 2431

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 6; absent 1.

DESMOND, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1949

MR. PRESIDENT: The Committee on Public Utilities, to which was referred:

Senate Bill No. 1626

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 7; committee vote: Ayes 6; absent 1.

DESMOND, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 686

Assembly Bill No. 1750

Assembly Bill No. 2555

Assembly Bill No. 1751

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 11; absent 1.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Assembly Bill No. 183

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Assembly Bill No. 911

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 6; noes 4; absent 2.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Assembly Bill No. 910

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; noes 1; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:
Assembly Bill No. 912
Assembly Bill No. 749

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; noes 2; absent 1.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Senate Bill No. 279

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 11; absent 1.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Assembly Bill No. 251

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; noes 2; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Assembly Bill No. 432

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:
Assembly Bill No. 471

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 9; noes 1; absent 2.

WARD, Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, May 17, 1949

·MR. PRESIDENT: The Committee on Transportation, to which were referred:

Senate Bill No. 231	Assembly Bill No. 89
Senate Bill No. 491	Assembly Bill No. 93
Senate Bill No. 492	Assembly Bill No. 94
Senate Bill No. 1305	Assembly Bill No. 1785
Senate Bill No. 1306	Assembly Bill No. 1855
Senate Bill No. 1387	Assembly Bill No. 2450
Assembly Bill No. 20	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; absent 4.

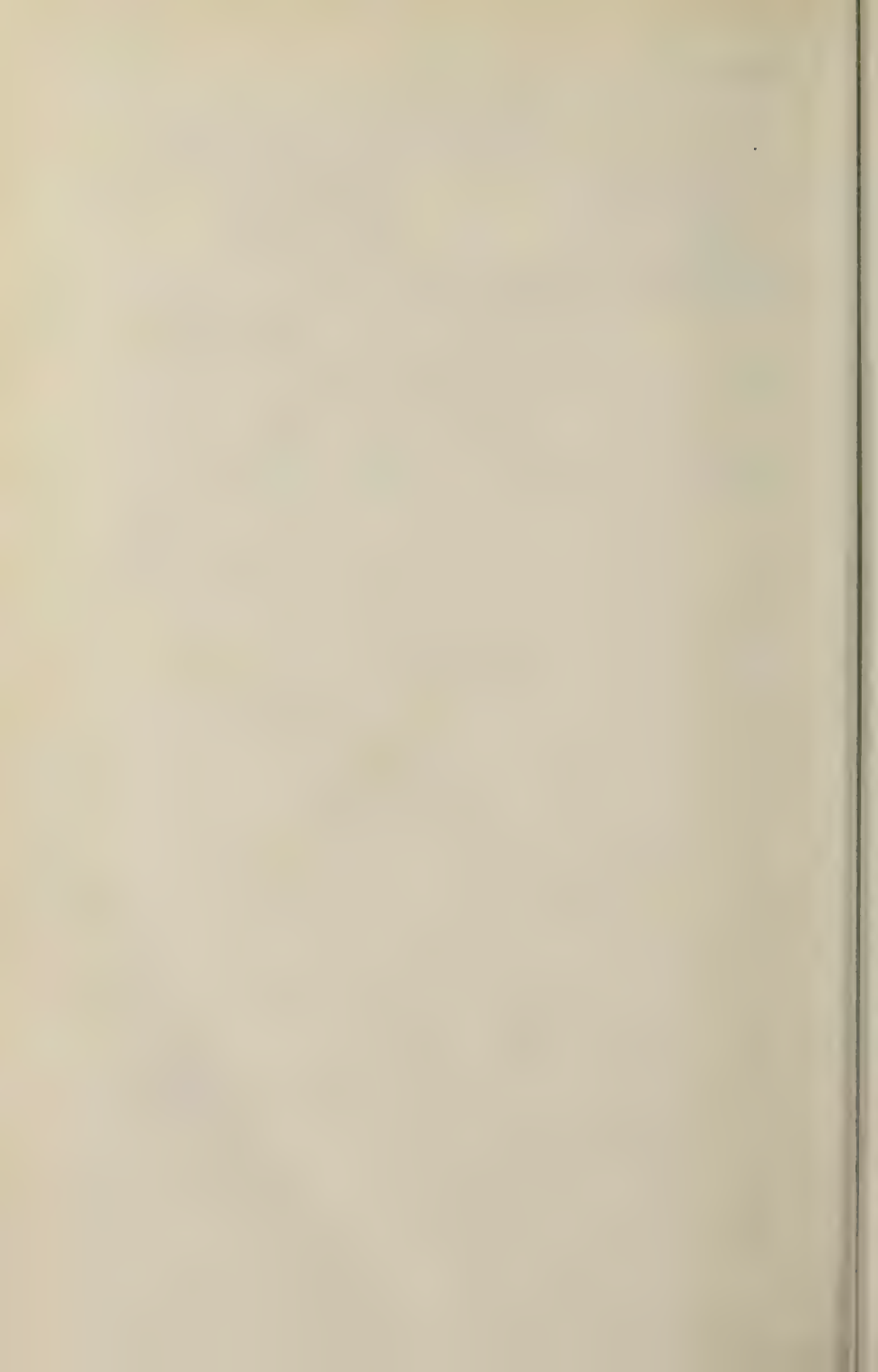
COLLIER, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 4.20 p.m., on motion of Senator Salsman, the President declared the Senate adjourned until 1.30 p.m., Wednesday, May 18, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTY-FOURTH LEGISLATIVE DAY
ONE HUNDRED THIRTY-SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, May 18, 1949

The Senate met at 1.30 p.m.

Hon. Byrl R. Salsman, Vice Chairman of the Committee on Rules
of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Powers, on motion of Senator Breed, due to illness.

Senator Keating, on motion of Senator McBride, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Gordon Epperson of Oakland.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to V. W. Grubbs, Fred Jennings, Carl Hemborg, C. W. Dutton, Tom Gore, all of Riverside.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Francis Rochex of San Francisco.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. B. Wyllie of San Diego.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. and Mrs. Austin J. Daly of Ventura.

On request of Senator O'Gara and Lieutenant Governor Knight, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John Lavallee of Loyola University, Los Angeles; Ed McCully, Wheaton College of Wheaton, Illinois; Richard Sprague, Gonzaga High School, Spokane, Washington; John Dodson, West View High School of Pittsburgh, Pennsylvania; Bill Ingalls of Everett Junior College, Seattle, Washington; Vernon Metz, John Snapp, Ed Chalcraft, and E. H. Smith, who will attend the Seventh Annual Hearst Newspapers' Tournament of Orators, regional finalists.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Abe Kaufman, Publisher, Alameda Times Star.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elizabeth Craber of San Diego.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George H. Learned, principal, and the following students of the Roosevelt Junior High School of San Francisco: Pat Watson, Jeanette Sanguinetti, Joan Weinshenk, Robert Breitfeld, Arnold Chu, Donald Murray, Gilbert Gates, Melvin Krasow, Albert Gallardo, Lois Haleenberg, Helen Ermann, Carol Firehow, Alexander Gianora, Kenneth Lebovitz, William Bourgeois, Beverly Bonella, Lourdes Elizalde, Evelyn Bovard, James Murad, Eleanor Jackson, Terry Lutz, Tom Akers, Meyer DeBurlle, Ralph Nofield, Pearl Opp, Athene Lingonis, Edward Stillman, Yvonne Werth, Willora Cleary, Ann O'Brien, Helen Langsam, Fay Him Lew, Pat Robay, Joy Dawson, Emilio Dacquistio, Floyd Keller, Eleanor Seidel, Jane Combs, and Daniel Mitchell.

On request of Senator Salsman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Letha Jenkins, teacher; Mrs. Russell Ryan, Mrs. Arthur Dettner, Mrs. Leonard Young, Mrs. Albert Daniels, Mrs. George Chatfield, and the following students of the Ross School in Marin County: Phillip Shanley, Russell Ryan, Larry Dettner, Fred Sabel, John Sabel, David Lewis, George Kuhlmann, Bruce Lauritzen, Charles Von Tagen, Clyde Ongaro, Carroll Young, Barbara Garrison, Lynda Youngberg, Sue Davidson, Carolyn Dewees, Connie Gardiner, Mary Edith Abraham, Mary Linderman, Mary Todd Daniels, Jean Chatfield, and Joan Applebaum.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 8—An act to amend Section 9 of the Monterey County Flood Control and Water Conservation District Act, relating to flood control;

Senate Bill No. 263—An act to amend Section 8051 of the Education Code, relating to the performance of services by governing boards of school districts and county superintendents of schools;

Senate Bill No. 488—An act to amend Section 7001 of the Water Code, relating to joint use of conduits;

Senate Bill No. 666—An act to amend Section 6323 of, and to add Section 6307 to, the Public Resources Code, relating to the administration and control of swamp, overflowed, tide or submerged lands and structures thereon;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighteenth day of May, 1949, at 11 a.m.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 742—An act to amend Section 423 of, and to add Section 458.1 to, the Fish and Game Code, relating to transportation of fish and game;

Senate Bill No. 1032—An act to add Section 9607.2 to the Education Code, relating to the education of minors with cerebral palsy;

Senate Bill No. 1130—An act to renumber the heading of Division 15 of the Health and Safety Code, relating to venereal disease;

Senate Bill No. 1406—An act to add Section 631.3 to the Code of Civil Procedure, relating to jury fees;

Senate Bill No. 1610—An act to provide for the sale of a parcel of land under the control of the State Park Commission;

And reports that the same have been correctly enrolled, and presented to the Governor on the eighteenth day of May, 1949, at 11 a.m.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 52—Relative to approving amendments to the charter of the City of Oroville, a municipal corporation in the County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the eleventh day of April, 1949;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the eighteenth day of May, 1949, at 11 a.m.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 357

Senate Bill No. 436

Senate Bill No. 802

Senate Bill No. 809

Senate Bill No. 811

Senate Bill No. 813

Senate Bill No. 966

Senate Bill No. 1078

Senate Bill No. 1093

Senate Bill No. 1164

Senate Bill No. 1298

Senate Bill No. 1304

And reports the same correctly engrossed.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 298

Senate Bill No. 795

And reports the same correctly re-engrossed.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: The Committee on Rules has examined:
Senate Concurrent Resolution No. 54

And reports the same correctly engrossed.

SALSMAN, Vice Chairman

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Senate Bill No. 69
Assembly Bill No. 1547

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; absent 2.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Senate Bill No. 393

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 9; noes 2; absent 2.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Assembly Bill No. 1564

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; noes 2; absent 2.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:

Senate Bill No. 221
Assembly Bill No. 735

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 11; absent 2.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 1567—An act to repeal Sections 95 and 96, Article 19 of the Community Redevelopment Act, relating to the State Redevelopment Agency.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1005—An act to amend Sections 29001, 29020, 29022, 29023, 29026, and 29031 of, and to add Sections 29012, 29013, and 29014 to the Health and Safety Code, relating to dangerous drugs.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 3, line 38, of the printed bill as amended May 9, strike out "The"; and strike out lines 39 to 44, inclusive, and insert "The provisions of this section do not apply to the possession of said drug by a manufacturer, or wholesaler or a pharmacy or physician or chiropodist or dentist or veterinarian or laboratory when in stock in containers correctly labeled with the name and address of the supplier or producer and which have been procured under the hypnotic license issued to them; nor do the provisions of this section apply to the possession of any drug defined in subdivision (c) of Section 290001, by a manufacturer or wholesaler or a pharmacy or physician or chiropodist or dentist or veterinarian or laboratory when in stock in containers correctly labeled with the name and address of the supplier or producer."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 870—An act to add Section 678.5 to the Vehicle Code, relating to equipment of vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

In line 3 of the printed bill, strike out "Every motor vehicle", and strike out all of lines 4 to 7 inclusive, and insert

"No person shall operate on any highway any registered motor vehicle, trailer or semitrailer, unless equipped with fenders, covers or a device which may include splash aprons which are effective to prevent the throwing of spray or splash of water or mud upward or to the rear from the wheels in contact with the roadway.

The foregoing provisions of this section shall not apply to a vehicle which is operated or moved at a speed of twenty miles per hour or less."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 254—An act to amend Section 44 of the Vehicle Code, relating to emergency vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 16, of the printed bill, as amended in Senate April 20, 1949, strike out "forestry employee designated by", and strike out lines 17 and 18, and insert "forest ranger, or".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 224—An act to add Sections 1128, 1129, 1130, 1131, and 1132 to the Streets and Highways Code, and to repeal Section 2692 of the Political Code, relating to private or by-roads for timber access purposes.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1, lines 5 and 6, of the printed bill, as amended in Senate April 20, 1949, strike out "but over which any person may lawfully travel who has occasion".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 686—An act to add Sections 2924e and 2924f to the Civil Code, relating to presumption of payment of obligation secured by deed of trust.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill as amended, strike out "Sections 2924e and 2924f", and insert "Section 738.2".

Amendment No. 2

In line 2 of the title of said bill as amended, strike out "Civil".

Amendment No. 3

In line 2 of the title of said bill as amended, after "Code", insert "of Civil Procedure".

Amendment No. 4

On page 1, line 1, of said bill as amended, strike out "2924e", and insert "738.2".

Amendment No. 5

On page 1, line 1, of said bill as amended, strike out "Civil".

Amendment No. 6

On page 1, line 2, of said bill as amended, after "Code", insert "of Civil Procedure".

Amendment No. 7

On page 1 of said bill as amended, strike out lines 3 to 26, inclusive, and insert "738.2. This section shall apply to any quiet title action wherein the plaintiff is a successor in interest of a person who, as trustor, executed a deed of trust which is a lien or encumbrance against or a cloud upon the title of the real property involved in such action, which deed of trust was recorded more than twenty years prior to the filing of such action; and this section includes any such action brought against the heirs, legatees, devisees, or personal representatives of any trustee of or beneficiary under any such deed of trust. In any such action, it shall be presumed that the debt secured by such deed of trust has been paid and, in the absence of evidence to the contrary, judgment shall be made and entered to the effect that such plaintiff owns such real property free and clear of such deed of trust. However, if it shall appear that such debt has not been paid and is not barred by any statute of limitation, no such judgment shall be made or entered in such action."

Amendment No. 8

On page 2 of said bill as amended, strike out lines 1 to 27, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 279—An act to amend Section 189 of the Code of Civil Procedure, relating to destruction of court records.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 231—An act to amend Section 1170 of the Harbors and Navigation Code, relating to pilotage rates.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 491—An act to amend Section 459 of the Vehicle Code, relating to regulatory powers of local authorities with respect to highway traffic.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 492—An act to amend Sections 511.2, 511.3, and 511.6 of the Vehicle Code, relating to speed limits upon highways.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1305—An act to repeal Section 154 of the Vehicle Code, relating to registration of vehicles previously registered outside this State.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1306—An act to amend Section 206 of the Vehicle Code, relating to the issuance of special plates to dealers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1387—An act to amend Section 257 of the Vehicle Code, relating to drivers licenses of minors.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1626—An act to add Section 35.5 to the Public Utilities Act, relating to regulation of state-owned railroads as to safety of operation.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2054—An act to add Section 19261 to the Government Code, relating to the powers and duties of the State Personnel Board.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1629—An act to amend Section 18109 of the Health and Safety Code, relating to auto and trailer camps.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2501—An act to amend Section 13368 of the Health and Safety Code, relating to the construction of the roof of a hazardous building of a clothes cleaning establishment.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1732—An act to amend Section 254 of the Unemployment Insurance Act, relating to medical records.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 254", and insert "Sections 254, 453, and 454".

Amendment No. 2

On page 1 of said bill, after line 14, insert

"Sec. 2. Section 453 of the Unemployment Insurance Act is amended to read:
Sec. 453. Employers whose employees are participating in an approved voluntary plan and any insurer of an approved plan shall furnish such reports and information and make available to the commission such records, *including medical records*, as the commission may by authorized regulations require for the proper administration of this part."

Amendment No. 3

On page 1 of said bill, after line 14, and after Amendment No. 2 hereof insert

"SEC. 3. Section 454 of the Unemployment Insurance Act is amended to read:
Sec. 454. The commission shall, in accordance with authorized regulations, promptly furnish to employers, employees, or insurers, such information, *including medical records*, as may be required for the proper administration of an approved voluntary plan."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

Assembly Bill No. 95—An act to amend Section 5026 of the Streets and Highways Code, relating to the adoption and change of street names.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert "and to add Section 5135 to".

Amendment No. 2

In line 2 of the title of said bill, after "names", insert "and the purchase and assignment of warrants, assessments, and bonds issued under the Improvement Act of 1911".

Amendment No. 3

On page 1 of said bill, after line 9, insert

"Sec. 2. Section 5135, a new section, is added to Chapter 3, Part 3, Division 7, of the Streets and Highways Code, to read:

5135. The legislative body may elect to agree to purchase, and purchase, out of the general funds of the city, an assignment of the warrant, assessment and diagram upon delivery thereof to the contractor, pursuant to Section 5374 of this code, at the option of the contractor. Any such purchase shall be at the total amount of the several assessments upon the assessment and diagram attached to the warrant. Any such election to purchase an assignment of the warrant, assessment and diagram by the city shall be stated in the resolution of intention. Upon the purchase of such an assignment of the warrant, assessment and diagram by the city, the city shall succeed to all rights and liens of the contractor to collect and to enforce the payment of the assessments and all bonds issued to represent said assessments."

Amendment No. 4

On page 1, line 7, of said bill, strike out "970", and insert "970.5".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 244—An act to amend Sections 459 and 459.4 of the Vehicle Code, relating to the adoption of local ordinances affecting traffic on state highways.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 2, line 2, of the printed bill, strike out "Railroad", and insert "Public Utilities".

Amendment No. 2

On page 2, line 20, of said bill, after "159.4", insert "Local Regulation of Traffic on Subways, Tubes or Tunnels or Upon Bridges or Viaducts."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2431—An act to amend Section 315 of the Municipal Utility District Act, relating to nomination papers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Utilities:

Amendment No. 1

On page 1, line 5, of the printed bill as amended April 15, 1949, strike out "four", and insert "five".

Amendment No. 2

On page 1, line 6, of said bill, at the beginning of the line, strike out "fifty".

Amendment No. 3

On page 1, line 6, of said bill, after "hundred", insert "fifty".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2555—An act to add Section 226a to the Civil Code, relating to consent of natural parents to adoption.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Assembly April 25, 1949, strike out "Section 226a", and insert "Sections 226a and 226b".

Amendment No. 2

In lines 1 and 2 of the title of said bill, strike out "consent of natural parents to".

Amendment No. 3

On page 1, line 5, of said bill, strike out "or by", and insert a comma.

Amendment No. 4

On page 1, line 5, of said bill, after "petitioners", insert a comma.

Amendment No. 5

On page 1 of said bill, strike out line 8.

Amendment No. 6

On page 1, line 9, of said bill, strike out "request", and insert "Request".

Amendment No. 7

On page 1, lines 9 and 10, of said bill, strike out "if there is no such proceeding pending,".

Amendment No. 8

On page 1, line 20, of said bill, after the period, insert "The State Department of Social Welfare or the licensed county adoption agency shall, prior to the hearing of the motion or petition for withdrawal, file a full report with the court and shall appear at the hearing to represent the interests of the child."

Amendment No. 9

On page 1, line 22, of said bill, strike out "may be had", and insert "shall be held".

Amendment No. 10

On page 1, line 22, of said bill, strike out "or in open court".

Amendment No. 11

On page 2 of said bill, after line 9, insert

"SEC. 2. Section 226b is added to said code, to read:

226b. Whenever, in any adoption proceeding in which an unrevoked consent to the adoption of the child has been given by the natural parent or parents, the petitioners desire to withdraw the petition for the adoption or to dismiss the proceeding, or the State Department of Social Welfare recommends that the petition for adoption be denied, the clerk of the court in which the proceeding is pending shall immediately notify the State Department of Social Welfare of such action. The State Department of Social Welfare or the licensed county adoption agency shall file a full report with the court recommending a suitable plan for the child and shall appear before the court for the purpose of representing the child."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Assembly Bill No. 1750—An act to amend Section 160 of the Welfare and Institutions Code, relating to the transfer of mental patients to the states of their residence.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

* **Amendment No. 1**

On page 1 of the printed bill, strike out lines 25 to 27, inclusive, and insert "person shall be released at the earliest possible time or committed in accordance with law."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Assembly Bill No. 1751—An act to amend the article headings of Article 1 and Article 2 of Chapter 3 of Part 1 of Division 6 of the Welfare and Institutions Code, and to amend Sections 5350, 5352, 5354, 5355, 5400, 5401, and 5404 of said code, relating to drug addicts, designating certain persons as narcotic drug addicts, and other persons as addicted to the intemperate use of habit forming drugs, and providing for their commitment.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 4 of the title of the printed bill, as amended in Assembly April 4, 1949, after "5355", insert "5355.1."

Amendment No. 2

On page 1, line 9, of said bill, after the word "uses", insert "to the extent of having lost the power of self control".

Amendment No. 3

On page 1 of said bill, strike out lines 12 to 14, inclusive, and insert "Safety Code."

Amendment No. 4

On page 2, line 19, of said bill, strike out "eight", and insert "three".

Amendment No. 5

On page 2 of said bill, strike out lines 20 to 25, inclusive, and insert "than two years."

Amendment No. 6

On page 2 of said bill, strike out line 26 and line 27, and insert "If satisfactory evidence is submitted to the trial judge show-".

Amendment No. 7

On page 2, line 28, of said bill, strike out "not".

Amendment No. 8

On page 2 of said bill, strike out line 31, and insert "person if committed will not be benefited by treatment, the judge shall not commit the person to a state hospital."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 9

On page 2 of said bill, after line 31, insert

"SEC. 5. Section 5355.1 of said code is amended to read:

5355.1. Any person committed as a drug addict except such persons as have been committed under the provisions of Section 5360, may be paroled after the expiration of [eight] *three* months under the same rules and conditions under which the mentally ill are paroled, and the superintendent, on filing his written certificate with the Director of Mental Hygiene, may discharge any person committed under this article after the expiration of [eight] *three* months and before the expiration of the maximum term of confinement when such superintendent is satisfied that the person will not receive substantial benefit from further hospital treatment."

Amendment No. 10

On page 2, line 32, of said bill, strike out "SEC. 5.", and insert "SEC. 6."

Amendment No. 11

On page 2, line 39, of said bill, strike out "SEC. 6.", and insert "SEC. 7."

Amendment No. 12

On page 3, line 11, of said bill, strike out "SEC. 7.", and insert "SEC. 8."

Amendment No. 13

On page 3, line 16, of said bill, strike out "SEC. 8.", and insert "SEC. 9."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Assembly Bill No. 183—An act to add Section 10c to the Municipal Court Act of 1925, relating to bail in municipal courts in cities or cities and counties of the second and one-half class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 911—An act to add Section 226b of the Civil Code, relating to adoption proceedings.

Bill read second time, and ordered to third reading.

Assembly Bill No. 910—An act to amend Section 224 of the Civil Code, relating to the adoption of children.

Bill read second time, and ordered to third reading.

Assembly Bill No. 912—An act to amend Section 226 of the Civil Code, relating to adoption of children.

Bill read second time, and ordered to third reading.

Assembly Bill No. 749—An act to add Section 9414 to the Government Code, relating to production of prisoners as witnesses in legislative proceedings.

Bill read second time, and ordered to third reading.

Assembly Bill No. 251—An act to amend Sections 602 and 627 of the Penal Code, relating to trespass.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 23, of the printed bill, as amended in Assembly March 24, 1949, after the comma following "village", insert "or upon any property of any person,".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 432—An act relating to labor, service and material liens on aircraft.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 45, of the printed bill, as amended in Senate May 11, 1949, strike out "Aircraft", and insert "The provisions of this act shall not apply to aircraft".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 471—An act to amend Section 6029 of the Penal Code and to repeal an act entitled "An act to provide for the approval of plans for the construction or alteration of county jails by the Immigration and Housing Commission," approved April 16, 1925, relating to plans and specifications for jails, prisons, and other detention facilities, and to the powers and duties of the Board of Corrections and other state agencies in respect thereto.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 12, of the printed bill as amended in Senate May 9, 1949, after "of", insert "detention".

Amendment No. 2

On page 1, line 14, of said bill, after "or county", insert "therefor,".

Amendment No. 3

On page 1, line 16, of said bill, strike out "approve, disapprove, or".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 20—An act to add Sections 159.5, 159.6, and 159.7 to the Vehicle Code, relating to motor vehicle registration.

Bill read second time, and ordered to third reading.

Assembly Bill No. 89—An act to amend Section 533 of the Vehicle Code, relating to school busses and the regulation of traffic in connection therewith.

Bill read second time, and ordered to third reading.

Assembly Bill No. 93—An act to amend Section 2930 of the Streets and Highways Code, relating to the withdrawal of protests.

Bill read second time, and ordered to third reading.

Assembly Bill No. 94—An act to amend Sections 5221 and 5222 of the Streets and Highways Code, relating to the withdrawal of protests and the time within which proceedings may be reinstituted after majority protest.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1785—An act to amend Sections 2110, 2111, 2112, and 2115 of the Streets and Highways Code, relating to apportionments to counties payable from the Highway Users Tax Fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1855—An act to amend Section 185 of the Streets and Highways Code, relating to the Revolving Fund of the Division of Highways.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2450—An act to amend Section 592.1 of the Vehicle Code, relating to stopping, standing, or parking of vehicles.

Bill read second time, and ordered to third reading.

Chief Assistant Secretary Cleve V. Taylor at the Desk

THIRD READING OF SENATE BILLS

Senate Bill No. 1625—An act to amend Section 120 of the Agricultural Code, relating to the sale of nursery stock.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Jespersen, Johnson, McBride, Parkman, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1029—An act to amend Sections 32004 and 32100 of the Health and Safety Code, and to add Sections 32100.1, 32100.5, 32100.6, 32100.7 to said code, relating to local hospital districts, and declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Jespersen, Johnson, Judah, McBride, Miller, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Jespersen, Johnson, Judah, Kraft, McBride, Miller, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 797—An act to amend Sections 2141, 2142, 2319, 2426, and 2435 of the Business and Professions Code, relating to the practice of the healing arts and the regulation and licensing thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Parkman, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—27.

NOES—Senator Drobish—1.

Bill ordered transmitted to the Assembly.

President of the Senate Presiding

At 2 p.m., Hon. Goodwin J. Knight, President of the Senate, presiding.

Senate Bill No. 795—An act to add Article 6 to Chapter 1, Division 2 of the Business and Professions Code, relating to licenciates of boards within the Department of Professional and Vocational Standards and including rebate, refunds and unearned discounts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Miller, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 357—An act to amend Section 19539 of the Business and Professions Code, relating to harness horse racing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—Senators Donnelly and Drobish—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1164—An act to amend Section 19482 of the Business and Professions Code, relating to licenses to conduct horse racing meetings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Mayo, McBride, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—Senator Drobish—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1078—An act to amend Section 19432 of the Business and Professions Code, relating to reports of the California Horse Racing Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Mayo, McBride, O'Gara, Parkman, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1298—An act to amend Section 19511 of the Business and Professions Code, relating to licensing of persons participating in or having to do with the racing of horses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Mayo, O'Gara, Parkman, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1093—An act to add Article 6 to Chapter 1 of Part 5 of Division 12, and amend and renumber Sections 31026 and 31027, of the Water Code, relating to the acquisition, construction, maintenance, and operation of sewer facilities by or in county water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Mayo, McBride, Miller, O'Gara, Parkman, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 436—An act to amend Section 5 of the California Water District Act, relating to districts organized under said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 802—An act to amend Section 7205, and to add Sections 7214, 7215, 7216, and 7217 to of the Business and Professions Code, relating to the members of the State Board of Guide Dogs for the Blind, and the regulation of guide dog schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Mayo, McBride, Miller, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—30.
NOES—None.

MOTION TO RECONSIDER

Senator Rich moved to reconsider the vote whereby Senate Bill No. 802 was passed.

The roll was called, and Senate Bill No. 802 was reconsidered by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Swing, Tenney, Watson, and Williams—31.
NOES—None.

MOTION TO RE-REFER SENATE BILL NO. 802

Senator Rich moved that Senate Bill No. 802 be re-referred to Committee on Finance.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 813—An act to amend Sections 9510, 9512, 9540.2, 9551 of, and to add Section 9524 to the Business and Professions Code, relating to establishments regulated by the State Board of Dry Cleaners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 809—An act to amend Sections 6722, 7017, 8537, 8714, and 8926 of the Business and Professions Code, relating to reports to the Governor by certain officers and boards within the Department of Professional and Vocational Standards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Busch, Collier, Coombs, Crittenden, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Mayo, McBride, Parkman, Regan, Rich, Salsman, Sutton, Swing, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 811—An act to repeal Section 4132.5 of the Business and Professions Code, relating to qualifications for registration as a licentiate in pharmacy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Parkman, Regan, Rich, Sutton, Swing, Tenney, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 966—An act to repeal Article 9, and to amend Section 3125 of Article 3, Chapter 5, Division 2, of the Business and Professions Code, relating to midwives.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Parkman, Regan, Rich, Swing, Tenney, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 298—An act to add Article 10 to Chapter 4, Division 3, of the Business and Professions Code, relating to loyalty of attorneys.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, O'Gara, Parkman, Regan, Rich, Sutton, Swing, Tenney, Watson, Weybret, and Williams—33.

NOES—Senator Miller—1.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 54—Relative to the creation of a Fact-Finding Committee on Agriculture and Livestock Problems.

Motion to Refer Bill to Inactive File

Senator Hatfield moved that Senate Concurrent Resolution No. 54 be placed on the inactive file.

Motion carried.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 17, 1949

*To the Honorable Members of the Senate
State of California
Sacramento, California*

GREETINGS: I am returning herewith, without my signature,

Senate Bill No. 220, entitled: "An act to amend Sections 11090 and 11091 of the Government Code, relating to state agency reports."

My objections to this bill are as follows:

This bill obviously does not accomplish what was intended by the Department of Finance in sponsoring it, and if signed it would call for immediate corrective legislation. Instead of limiting printing of biennial reports of state agencies, it applies to all reports which would prevent the printing of reports on snow surveys, water conditions, and other reports containing information essential to the public. Reports of this character are issued by many state agencies, particularly the Department of Public Works and the Department of Agriculture.

This bill also takes away from the Governor the authority to require state agencies to make reports to him, a change that would weaken his control of the departments of State Government.

I am informed that there is another bill before the Legislature which was to be used for corrective amendment in the event this bill should be signed, but in my opinion it would be better to withhold approval of this bill, which is defective, and to amend the other to accomplish the true purpose of the sponsor of this bill.

Respectfully submitted,

EARL WARREN, Governor

Request for Unanimous Consent

Senator Parkmen asked for, and was granted, unanimous consent to take up Senate Bill No. 220, at this time, for consideration of Governor's veto.

CONSIDERATION OF SENATE BILL NO. 220

Senate Bill No. 220—An act to amend Sections 11090 and 11091 of the Government Code, relating to state agency reports.

CONSIDERATION OF GOVERNOR'S VETO

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 220 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, Parkman, Regan, Sutton, Swing, Tenney, Watson, Weybret, and Williams—33.

MOTION TO RE-REFER ASSEMBLY BILL NO. 749

Senator Rich moved that Assembly Bill No. 749 be re-referred to Committee on Finance.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1836—An act to amend Section 107 of the Welfare and Institutions Code, and to add Sections 18598, 18599, and 31700.5 to the Government Code, relating to employees of the Department of Social Welfare, and retirement rights in county retirement systems of

former county employees performing functions assumed by the State, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Collier.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Judah, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2095—An act to amend Section 3453 of the Political Code, relating to reclamation districts.

Bill read third time, and presented by Senator Gibson.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1461—An act to amend Section 202 of the Fish and Game Code, relating to the Mendota Pool Waterfowl Refuge and defining the boundaries thereof.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Swing, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2546—An act to amend Section 1676 of the Insurance Code, relating to insurance.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—30.

NOES—Senators Coombs and Cunningham—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 925—An act to amend Sections 1300.1, 1300.1a, 1300.4a, and 1300.6 of the Agricultural Code, relating to processors of farm products.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 96—An act to amend Section 102 of the Agricultural Code, relating to the fees of the Agricultural Commissioner.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Regan, Rich, Sutton, Swing, Tenney, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 326—An act to amend Section 800 of the Labor Code, relating to midday meals of employees in the lumber industry.

Bill read third time, and presented by Senator Regan.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Swing, Tenney, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 41—An act to amend Section 1065 of the Fish and Game Code, relating to sardines and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Hatfield.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Kraft, Mayo, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Tenney, Watson, and Williams—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Swing, Tenney, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1731—An act to amend Section 4903 of the Labor Code, relating to liens.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 231—An act to amend Section 4455 of the Labor Code, dealing with workmen's compensation.

Bill read third time, and presented by Senator Regan.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2045—An act to amend Sections 19170, 19173, and 19175 of the Government Code, and to add Section 19175.5, relating to the probationary period of state employees.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, Mayo, McBride, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2047—An act to amend Section 19140 of the Government Code, relating to reinstatement of state employees.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Mayo, McBride, Parkman, Rich, Salsman, Tenney, Watson, and Williams—24.

NOES—Senator Miller—1.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Assembly Bill No. 2058—An act to amend Section 19368 of the Government Code, relating to rights of state employees, replaced by machinery.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Gibson, Jespersen, Judah, Mayo, McBride, Parkman, Regan, Rich, Salsman, Sutton, Tenney, Watson, and Williams—23.

NOES—Senator Miller—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 3112—An act to establish the line of ordinary high tide in Avalon Bay, in Los Angeles County, California, in conformity with a certain decree of the Superior Court of the State of California, in and for the County of Los Angeles, establishing said line of ordinary high tide.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Tenney, Watson, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 958—An act to add Section 14438 to the Business and Professions Code, relating to containers and container brands.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Gibson, Hulse, Johnson, Judah, Kraft, Mayo, McBride, Miller, Parkman, Regan, Rich, Salsman, Sutton, Tenney, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1353—An act to add Section 308a to the Penal Code, authorizing the Director of Corrections and the Youth Authority to provide tobacco and tobacco products to persons confined in institutions under their respective jurisdictions, and to permit the use thereof by such persons.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Donnelly, Hatfield, Hulse, Johnson, Kraft, Mayo, McBride, O'Gara, Parkman, Rich, Salsman, Tenney, Watson, and Williams—21.

NOES—Senators Coombs, Dilworth, Drobish, Gibson, Judah, Miller, Regan, and Sutton—8.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1379—An act to amend Sections 317 and 319 of the Education Code, relating to the compensation of members of county boards of education.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote :

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Kraft, Mayo, McBride, Miller, Parkman, Regan, Rich, Salsman, Sutton, Tenney, Weybret, and Williams—27.

NOES—Senator Watson—1.

MOTIONS TO RECONSIDER

Senator Donnelly moved to reconsider the vote whereby Assembly Bill No. 1379 was passed.

Postponement of Reconsideration

On motion of Senator Donnelly, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1379 was passed, was continued until the next legislative day.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 556

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 60

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

Above resolution ordered enrolled.

RESOLUTIONS

The following resolution was offered:

By Senator Hatfield:

Senate Resolution No. 103

Relating to congratulating State Treasurer Charles G. Johnson upon his being awarded the Pioneer Medal by the King of Sweden

WHEREAS, Charles G. Johnson was born in Sweden in 1880 and migrated to the United States at the age of nine; and

WHEREAS, After being educated in the public schools of San Francisco, he engaged in the wholesale produce business, commerce, finance, and mining, and organized the Swedish American Bank of San Francisco; and

WHEREAS, He prepared the laws which created the State Bureau of Weights and Measures in 1913 and was thereafter appointed State Superintendent of Weights and Measures in 1914 and served in that capacity for seven years; and

WHEREAS, During World War I he enforced national food conservation regulations, organized California Home Guards, and was chairman of Liberty Loan drives; and

WHEREAS, He was elected State Treasurer in 1922 and has since that time served the people of this State in that capacity; and

WHEREAS, He has now been awarded the Pioneer Medal by the King of Sweden, presentation being made by Erik Boheman, Swedish Ambassador to the United States, in recognition by the Country of Sweden of his pioneer work in this Country; now, therefore, be it

Resolved, That the Members of the Senate of the State of California extend to Charles G. Johnson their heartiest congratulations on his long and distinguished career in public service and upon his being honored by the people of Sweden through their King; and be it further

Resolved, That the Secretary of the Senate is directed to send a copy of this resolution to the Honorable Charles G. Johnson.

Resolution read, and on motion of Senator Hatfield, adopted.

LETTER OF TRANSMITTAL

CALIFORNIA LEGISLATURE, SENATE
May 18, 1949

To the President of the Senate

The Speaker of the Assembly

and to the Members of the Senate and Assembly

The Joint Legislative Committee on Agricultural and Livestock Problems created by Senate Concurrent Resolution No. 54, Statutes of 1947, page 3750, and by Senate Concurrent Resolution No. 8, Statutes of 1948, Chapter 62, and by Senate Concurrent Resolution No. 15, Statutes of 1949, Chapter 35, submits the following special and partial report.

This report covers investigations, discussion, conclusions, and recommendations on farm labor recruitment, placement, and related subjects, and is respectfully submitted.

GEORGE J. HATFIELD, Chairman
BEN HULSE
BRADFORD S. CRITTENDEN
FRED WEYBRET
EARL D. DESMOND

THOMAS M. ERWIN
LOYD W. LOWREY
GEORGE BUTTERS
GEORGE A. CLARKE
VERNE W. HOFFMAN
S. L. HUISINGER

Letter of Transmittal ordered printed in the Journal and report ordered printed in the appendix to the Journal.

Motion to Print Additional Copies of Report

Senator Hatfield moved that 1,000 additional copies of the Special and Partial Report of the Joint Interim Committee on Agriculture and Livestock Problems be printed for distribution.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Rich moved that Senate Constitutional Amendment No. 1 be taken from the inactive file and placed on the second reading file.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Senator Salsman:

Senate Resolution No. 104

Resolved by the Senate of the State of California, That the Secretary of the Senate be and he is authorized and directed to purchase the following:

41 subscriptions to the "Opinions of the Attorney General of California" for 1949 and 1950;

7 sets of back volumes of the "Opinions," each set comprising Volumes 1 to 12, inclusive;

41 copies of "Five-Year Consolidated Index" to Volumes 1 to 10 of the "Opinions";

and be it further

Resolved, That the Secretary is instructed to arrange for delivery of one subscription and one copy of the "Index" to each Member of the Senate and to the Secretary, and to deliver one set of the back volumes to each new Member of the Senate; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of California Legal Publications for three thousand four hundred fifty-seven dollars and thirty cents (\$3,457.30) in payment for the above subscriptions, sets of back volumes, and indexes to the "Opinions of the Attorney General of California," and the State Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Rules.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1207

Senator Parkman moved that Senate Bill No. 1207 be withdrawn from Committee on Revenue and Taxation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1207—An act to amend Sections 6007, 6011, and 6401 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Senator Parkman moved the adoption of the following amendments:

Amendment No. 1

On page 3 of the printed bill, as amended on May 4, 1949, after line 48, insert "SEC. 4. The provisions of this act shall not apply with respect to contracts entered into or for which bids have been submitted prior to July 1, 1949. As to such contracts the tax applicable pursuant to the provisions of the Sales and Use Tax Law as it read on April 1, 1949, remains fully collectible."

Amendment No. 2

On page 4, line 1, of said bill, strike out "4", and insert "5".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Finance, to which was referred:

Assembly Bill No. 409

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Finance, to which was referred:

Assembly Bill No. 1900

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bill ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which was referred:

Senate Bill No. 1389

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

HATFIELD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which was referred:

Assembly Bill No. 1132

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

HATFIELD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Fish and Game, to which were referred:

Assembly Bill No. 1109

Assembly Bill No. 2742

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

HATFIELD, Chairman

Above reported bills ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred:

Senate Bill No. 592

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 479

Assembly Bill No. 226

Assembly Bill No. 223

Assembly Bill No. 265

Assembly Bill No. 225

Assembly Bill No. 2367

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred:

Senate Bill No. 1213

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred:

Assembly Bill No. 1360

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Senate Bill No. 605

Senate Bill No. 1444

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1711

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

McBRIDE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which was referred:

Assembly Bill No. 994

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 5; absent 4.

McBRIDE, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred:

Senate Bill No. 246

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

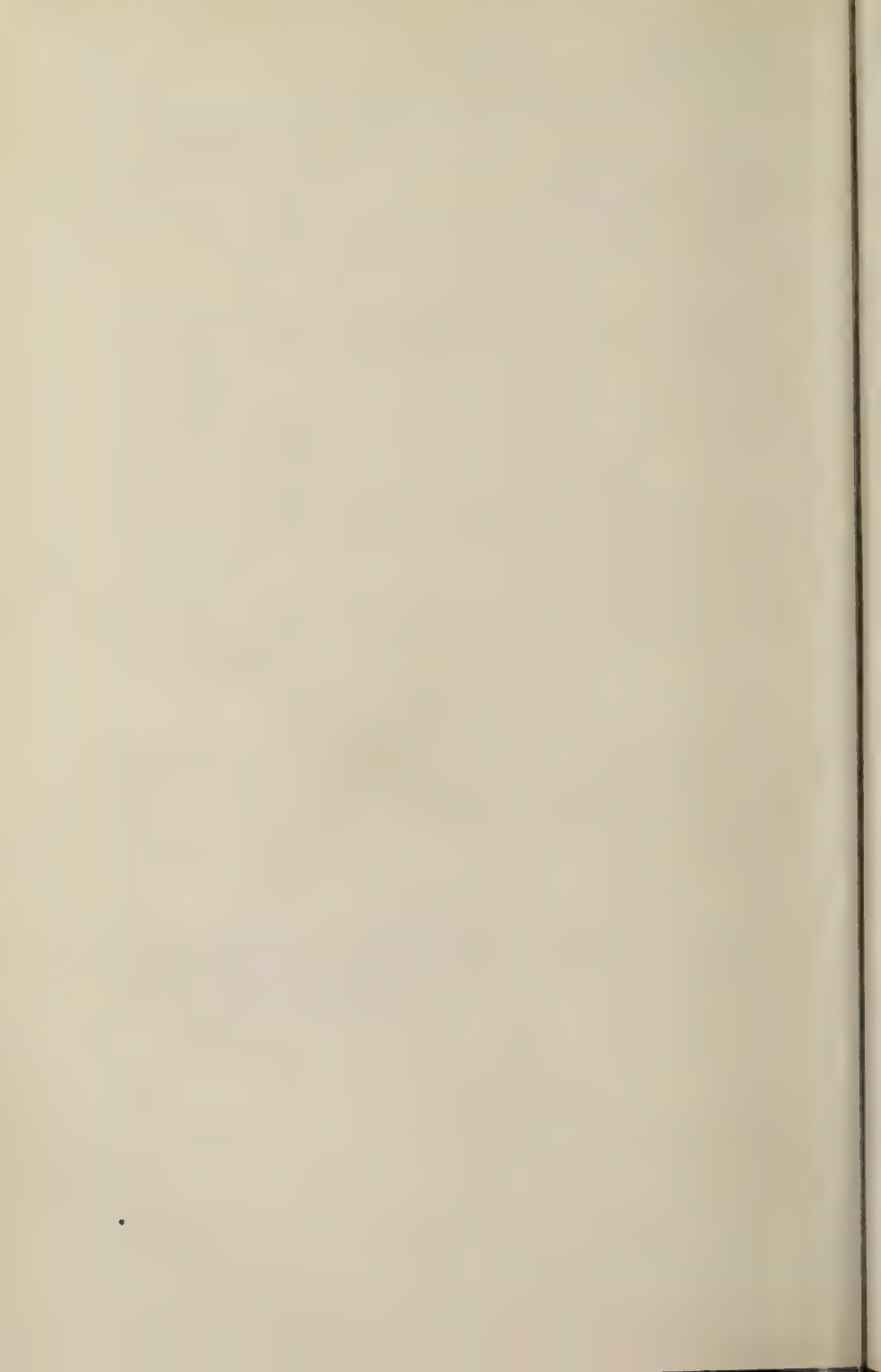
CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 4.10 p.m., on motion of Senator McBride, the President declared the Senate adjourned until 1.30 p.m., Thursday, May 19, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTY-FIFTH LEGISLATIVE DAY

ONE HUNDRED THIRTY-SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, May 19, 1949

The Senate met at 1.30 p.m.

Hon. Byrl R. Salsman, Vice Chairman, Committee on Rules, of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—33.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Powers, on motion of Senator Donnelly, due to illness.

Senator Johnson, on motion of Senator Donnelly, due to legislative business.

Senator Gibson, on motion of Senator O'Gara, due to legislative business.

Senator Miller, on motion of Senator O'Gara, due to legislative business.

Senator Parkman, on motion of Senator McBride, due to legislative business.

Senator Collier, on motion of Senator Salsman, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Mayo and Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Goldie Brewer, Director, '49 Association; Mrs. Gladys Rohl, Secretary, Chamber of Commerce; and Miss Harriett Huntly, Queen of the Auburn Gold Show; all of Auburn.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Andy Johnson of Fort Bragg.

On request of Senators Abshire, Keating, and Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the Senior 4-H Club of Marin, Sonoma, and Napa Counties: Joanne Bruggeman, Florence Wallett, Joyce Plumb, Bertha La Marr, Ray Williams, Bonnie Sheldon, Joyce Williams, Barbara Robbins, Joan Brooks, Jane Bruggeman, Barry Ableman, Beatrice Plumb, Edith Keene, Evan McRay, John Mitchell, David Burbank, Bill Fairbanks, Wesley Black, Dorothy Canelis, Sherwin Farrington, Irwin Hall, Doris McAlvain, Bud Menne, Leon Weldy, Henry Bohn, Arlene Harris, Charlene Mazone, Andrew Streiff, Marie Huff, Evelyn Johnston, Sammy Moore, Carolyn Sawyer, Elvera Voigt, Larry Maltson, Lila Johnson, Berta La Marr, Dennis Taylor, Mrs. Ann Sawyer, Mrs. Helen Voigt, Georgene Tunstall, Donna Du Vander, Robert Ingraham, Virginia Orr, Barbara Simmons, Dicky Lieb, Mrs. L. L. Lieb, Mrs. G. W. Williams, and Mr. George Williams, Bob Wassum, Sally Hammerich, Norman Penrod, Barbara Grath, Ray Rateliff, Moiley Grath, Valma Ann Christofferson, and Joe Isola.

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Francis L. Easley, John G. Rube, Archibald E. Millasich, A. R. Faretta, Jr., Henry Nickami, Tak Mokita, and Rev. Christian Martin, all of Fresno.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. R. Gough of Elsinore and Al Harrison of Elsinore.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chester C. Reed of San Francisco.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. Hugh Hart of Visalia.

On request of Senators Sutton and Gibson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. A. Jacobs, principal; Lloyd Vallier, Mary Moore, teachers; and the following eighth grade students of the Dixon Elementary School of Dixon: Pete Murphy, Jr., Gary Getz, William Grigsby, Jr., Bill Andrews, Emma Rose Jones, Frances Deanda, Wesley Allen, Donald Alvis, Ronald Holman, Richard Fry, Ramona Van Sant, Martha Scheel, Violet Dunlap, Darleen Anderson, Joyce Robinson, Gene Saltzen, Virginia Barker, Dolores Crockett, Ruby Short, Shirley Orrick, Joan Pardi, Marjorie Brazil, Ramona Munoz, Peggy Crockett, Ada Lee Conduff, LaVerne Rohwer, Marian Seymen, Helen Ipsen, Von Maag, Elmer Kast, Joel Kitchen, James Rogers, Darrell Anderson, Betty Eckroat, Virginia Houseman, Delmar Johnson, Wilfred Bartok, Fred LeClair, Richard Lawrence, Bob

Bryson, Dolores Ferrero, Peter Wong, Dolores Burg, Shirley Ward, Dennis Lawrence, Eugene Bruhn, Shirley Rigney, John H. Jones, Estrelita Boone, and Karen Kilkenny.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. F. W. Moore, teacher; R. J. Marraecini, member, Board of Trustees; and the following students of the Jefferson School, San Joaquin County: Harry Blaylock, Frank Castro, Joe D. Gerhart, Larry Hall, Tom Nuce, Danny Terrill, Johnny Borges, David Johannes, Johnny W. Stockton, Jerry Robertson, Richard Ulmer, Thomas Yokoi, Sergio Zilli, Joseph Lessa, Tommy Fornasero, Jonan Hanson, Edelmira Hernandez, Darlene Terrill, Earlene Draper, Yvonne Hammill, and Dale Herrin.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. Van Vuren, instructor, and the following students of the Scholarship Society, Christian High School of Ripon: Lois Kobes, Bill Viss, Jennie Plooy, Lawrence Vande Kieft, Edna Van Dyken, Laverne Tanis, Roger Dekker, Maurice Roos, and Andy Brouwer.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James C. Ramsaur, district superintendent; Mrs. Alston, Mrs. Gardiser, teachers; and the following students of the Patterson School of Patterson: Naomi Aquirre, Beulah Bergman, Ronald Black, Eugene Brainard, Dorothy Breves, Norma Brewer, Laura Broggi, Rosie Cisneros, Juanita Colwell, Charles Digiorno, Harley Duncan, Barbara Ferreira, Ladean Forrest, Emilio Hernandez, Belmira Homen, Barbara Jean Hutchins, Marjorie Maisetti, Patsy Mathews, Helen McGill, Gloria Martin, Mary Ann Olds, Mary Reza, Darleen Schmidt, Betty Silva, Joe Snyder, Amos Soares, Don Soares, Frances Staley, George Teixeira, Jenise Thomas, Martella Taylor, Wilma Woodard, Mildred Brooks, Jimmy Carlson, James Carr, Dale Coffee, Philip Correia, Domingos Farhina, Virginia Flowers, Shirley Frank, Bobby Gibson, Verlon Haile, Marlene Halseth, Marlys Harmon, Randolph Harrison, Jackie Lee Harvey, Thelma Hove, Dale Humbert, Leon Jackson, Diane Kjonaas, Phyllis Knutson, Marjorie Leaf, Carlo Ramos, Joe Silva, Delwyn Silveria, Joan Taylor, Rosie Von Moos, Elaine Wells, Sondra White, Jim Edd Wingo, Leo Yoppini, Margaret Garcia, and Ramona French.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. J. Marsh, leader, and the following students of San Leandro High School of San Leandro: Joanne Bidwell, Marge Bruning, Don Cambra, Marlyn Clemons, Jessie Codey, Tom Colby, Shirley Cook, Frank Couey, Charlotte Fields, Cathryn James, Marilyn Jensen, Joann Johnston, Wes Johnson, Patricia Keator, Barbara King, Peggy Kirby, Arlette Lay, Jenkin Leong, Gilbert Leventhal, Sue McCabe, Alice McCarthy, Marilyn McPherson, Jim Mesa, Glen Meyer, Shirley Michael, Shirley Montell, Della Mulkey, Patti Murden, Tim Nelson, Joe Proitte, Nancy Schmid, Joyce Shafer, Steve Stephens, Sally Stevenson, Marcia Storey, Bob Tennyson, Joanne Thompson, Teddy Thorson, Marlene Tokes, Joan Turner, Ken Urton, Don Whitman, Roy Williams, Jerry Winn, and Elizabeth Yater.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. George Bell of Hermosa Beach.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. F. E. West and Mrs. Ted Mayr of Ventura.

On request of Senator Weybret, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Elmer L. Machado.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Walter Bettencourt of Santa Cruz County.

RECESS

At 1.35 p.m., on motion of Senator Mayo, the Senate recessed to allow Senator Mayo to introduce to the Senate Miss Harriet Huntley, Queen of the Auburn Gold Show, who extended an invitation to the Senate to attend the Auburn Gold Show on June 3, 4, and 5, 1949.

REASSEMBLED

At 1.40 p.m., the Senate reconvened.

Hon. Byrl R. Salsman, Vice Chairman of the Committee on Rules of the Senate, presiding.

Secretary J. A. Beek at the Desk

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

GRAND PARLOR
NATIVE SONS OF THE GOLDEN WEST
OFFICE OF THE GRAND PRESIDENT, May 17, 1949

WHEREAS, It has recently been reported in the daily press that Senator Harold J. "Butch" Powers of Modoc County, President Pro Tem of the California State Senate now in session, has been seriously injured; and

WHEREAS, Senator Harold J. "Butch" Powers, a native Californian, while acting as State Senator has always proved to be a willing supporter of all things fairly proposed by the Native Sons of the Golden West, now therefore be it

Resolved, That the members of this Seventy-second Session of the Grand Parlor of the Native Sons of the Golden West extend to Senator Harold J. "Butch" Powers its best wishes for his speedy recovery, and be it further

Resolved, That a copy of this resolution be forthwith forwarded to Senator Powers at his home in Eagleville, California, and a second copy be forwarded to Lieutenant Governor Goodwin J. Knight, the presiding officer of the California State Senate.

PHILIP C. WILKINS, Grand Trustee
WALTER H. ODEMAR, Junior Past Grand President
RAYMOND D. WILLIAMSON, Past Grand President
ELDRED L. MEYER, Past Grand President
EUGENE H. O'DONNELL, Dolores Parlor No. 208
SETH MILLINGTON, Past Grand President
RICHARD F. MCCARTHY, Past Grand President
JOHN T. REGAN, Grand Secretary
WAYNE R. MILLINGTON, Past Grand President

This is to certify that the above resolution was unanimously adopted by the members of the Seventy-second Grand Parlor of the Native Sons of the Golden West in session assembled at Sonora, California, May 16-21, 1949.

WALTER N. BAILEY
Grand President, N. S. G. W.
JOHN T. REGAN
Grand Secretary, N. S. G. W.

MESSAGE FROM ASSEMBLY

ASSEMBLY, CALIFORNIA LEGISLATURE
SACRAMENTO 14 CALIFORNIA, May 19, 1949*Mr. Joseph A. Beek, Secretary of the Senate
State Capitol, Sacramento 14, California*

DEAR MR. BEEK: I have been instructed by the Assembly to request the return of Assembly Bill No. 2204 for further consideration by this House.

Sincerely yours,

ARTHUR A. OHNIMUS, Chief Clerk

MOTION TO WITHDRAW ASSEMBLY BILL NO. 2204 AND
RETURN TO THE ASSEMBLY

Senator Rich moved that Assembly Bill No. 2204 be withdrawn from the Committee on Revenue and Taxation and return to the Assembly pursuant to their request for further consideration.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 30
Assembly Bill No. 138
Assembly Bill No. 404
Assembly Bill No. 486
Assembly Bill No. 487
Assembly Bill No. 490
Assembly Bill No. 1076
Assembly Bill No. 1323
Assembly Bill No. 1338
Assembly Bill No. 1572

Assembly Bill No. 1596
Assembly Bill No. 1597
Assembly Bill No. 1866
Assembly Bill No. 2112
Assembly Bill No. 2309
Assembly Bill No. 2646
Assembly Bill No. 2846
Assembly Bill No. 3149
Assembly Bill No. 1175

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 30—An act to amend Sections 642 and 666 of the Agricultural Code, relating to products which are substitutes for or imitations of dairy products.

Referred to Committee on Agriculture.

Assembly Bill No. 138—An act to amend Section 404 of the Fish and Game Code and to repeal Section 432 thereof, relating to licenses.

Referred to Committee on Fish and Game.

Assembly Bill No. 404—An act to add Section 21.2 to the Municipal Court Act of 1925, relating to departments of the municipal court in cities and cities and counties of the first and one-half class, including judges and attaches thereof.

Referred to Committee on Judiciary.

Assembly Bill No. 486—An act to amend Section 25a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein,"

approved May 23, 1925, relating to powers and duties of marshals in municipal courts.

Referred to Committee on Judiciary.

Assembly Bill No. 487—An act to amend Section 19a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to emergency employees in municipal courts.

Referred to Committee on Judiciary.

Assembly Bill No. 490—An act to amend Section 12 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to residential qualifications of attaches of municipal courts.

Referred to Committee on Judiciary.

Assembly Bill No. 1076—An act to amend Section 6.11 of the Alcoholic Beverage Control Act, relating to clubs, fraternal organizations, and hall or building associations thereof and providing for the issuance of on-sale licenses carrying distilled spirits privileges to such organizations.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1323—An act to amend the Building and Loan Association Act by amending Section 11.01 thereof, relating to licenses of agents, salesmen and collectors.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1338—An act to add Section 1.7 to the Judges' Retirement Act, relating to retirement of judges for service.

Referred to Committee on Judiciary.

Assembly Bill No. 1572—An act to renumber and amend Section 684 of the Vehicle Code, added by Chapter 1429 of the Statutes of 1947, to be Section 685 of the Vehicle Code, relating to motor vehicles carrying dangerous substances.

Referred to Committee on Transportation.

Assembly Bill No. 1596—An act to amend Section 204 of the Unemployment Insurance Act, relating to disability insurance payments.

Referred to Committee on Social Welfare.

Assembly Bill No. 1597—An act to amend Section 205 of the Unemployment Insurance Act, relating to eligibility for unemployment compensation disability benefits.

Referred to Committee on Social Welfare.

Assembly Bill No. 1866—An act to add Section 645.5 to the Vehicle Code, relating to specifications for lamps and devices requiring approval.

Referred to Committee on Transportation.

Assembly Bill No. 2112—An act to amend Section 185 of the Vehicle Code, relating to the transfer of ownership of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2309—An act to amend the title and Sections 4, 15, 17, 19.5, 20, and 23 of the Personal Property Brokers Act as revised by Chapter 952 of the Statutes of 1939, and to amend the title and Sections 4, 15, 17, 19.5, 20, and 24 of the Personal Property Brokers Act, as revised by Chapter 1044 of the Statutes of 1939, relating to the regulation of personal property brokers.

Referred to Committee on Financial Institutions.

Assembly Bill No. 2646—An act to amend Sections 4650 and 4652 of, and to add Section 4650.5 to, the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 2846—An act to amend Sections 980, 981, 982, and 983 of, and to add Section 984 to, the Civil Code, relating to rights in products of the mind.

Referred to Committee on Judiciary.

Assembly Bill No. 3149—An act to amend Section 24.5 of the Construction and Employment Act, relating to the construction of sewage projects pursuant to said act, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1175—An act to add Part 2, comprising Chapter 1, Sections 4000 to 4225, inclusive, to Division 5 of the Welfare and Institutions Code, relating to aid for needy disabled persons.

Referred to Committee on Social Welfare.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 77
Assembly Bill No. 286
Assembly Bill No. 446
Assembly Bill No. 447
Assembly Bill No. 542
Assembly Bill No. 750
Assembly Bill No. 1222
Assembly Bill No. 1236
Assembly Bill No. 2103
Assembly Bill No. 2229

Assembly Bill No. 2372
Assembly Bill No. 2389
Assembly Bill No. 2701
Assembly Bill No. 2705
Assembly Bill No. 2767
Assembly Bill No. 2992
Assembly Bill No. 3116
Assembly Bill No. 3139
Assembly Bill No. 3132

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 77—An act to amend Section 736 of the Fish and Game Code, relating to the taking of fish.

Referred to Committee on Fish and Game.

Assembly Bill No. 286—An act to add Section 1057b to the Code of Civil Procedure, relating to exception to the sufficiency of corporate sureties.

Referred to Committee on Judiciary.

Assembly Bill No. 446—An act authorizing the Division of Beaches and Parks to establish and develop the old Overland Emigrant Trail as part of the California Riding and Hiking Trails Project.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 447—An act to add Chapter 10, comprising Sections 21700 to 21722, inclusive, to Division 8 of the Business and Professions Code, relating to the sale, standards and labeling of antifreeze substances and preparations for use in internal combustion engines.

Referred to Committee on Business and Professions.

Assembly Bill No. 542—An act to establish a Capitol Planning Commission, prescribing its organization, powers and duties, transferring to the commission certain functions of the Department of Finance.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 750—An act to amend Section 412 of the Code of Civil Procedure and to repeal Section 27291 of the Government Code, relating to service of summons, abolishing certificates of residence and recordation thereof.

Referred to Committee on Judiciary.

Assembly Bill No. 1222—An act to repeal Article 9 of Chapter 1 of Division 2 of the Fish and Game Code, and to add Sections 1260, 1261, 1262, and 1263, to Article 3, Chapter 3, Part 3, Division 4, of said code, relating to taking of deer with bow and arrow.

Referred to Committee on Fish and Game.

Assembly Bill No. 1236—An act to amend Section 905 of the Fish and Game Code, relating to trammel nets.

Referred to Committee on Fish and Game.

Assembly Bill No. 2103—An act to add Section 13530.1 to the Government Code, relating to the State Printing Office.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2229—An act to amend Section 6652 of the Welfare and Institutions Code, relating to the collection of costs and charges for the maintenance of state hospital patients by the Department of Mental Hygiene.

Referred to Committee on Social Welfare.

Assembly Bill No. 2372—An act to amend Section 1101 of the Agricultural Code, relating to eggs.

Referred to Committee on Agriculture.

Assembly Bill No. 2389—An act to amend Section 1057a of the Code of Civil Procedure, relating to sureties on bonds or undertakings.

Referred to Committee on Judiciary.

Assembly Bill No. 2701—An act to amend the headings of Articles 2, 4, 5, and 7, and to amend Sections 7, 10, 14, 15, 18, 24, 30, 31, 35, 38, 39, 40, 43, 44 to 49, inclusive, 55 to 61, inclusive, 63 to 65, inclusive, and 70 to 74, inclusive, and to renumber Sections 50, 59, and 72 of, and to add Sections 46.1, 46.2, 50, and 59 to, the Conservation and Planning Act, relating to conservation and planning.

Referred to Committee on Local Government.

Assembly Bill No. 2705—An act to add Sections 23.5, 25, and 26 to the Conservation and Planning Act, relating to planning.

Referred to Committee on Local Government.

Assembly Bill No. 2767—An act to amend Section 2 of the Los Angeles County Flood Control Act, relating to objects and purposes of said act.

Referred to Committee on Local Government.

Assembly Bill No. 2992—An act to amend Section 4005 of the Penal Code and Section 660 of the Welfare and Institutions Code, relating to custody and detention in state or county prisons, jails or other detention facilities of persons committed or detained by process or order issued under the authority of the United States.

Referred to Committee on Judiciary.

Assembly Bill No. 3116—An act to amend Section 1241 of the Code of Civil Procedure, relating to the taking of property by eminent domain.

Referred to Committee on Judiciary.

Assembly Bill No. 3139—An act to amend Sections 1.5 and 4 of the Judges' Retirement Act, relating to the retirement, with retirement allowances, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts and municipal courts, in respect to computation of service and amount of allowances.

Referred to Committee on Judiciary.

Assembly Bill No. 3132—An act to amend Section 20880 of the Business and Professions Code, relating to sales of petroleum products.

Referred to Committee on Business and Professions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 80

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 80—Relative to approving amendments to the charter of the City of Santa Monica, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twelfth day of April, 1949.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 24

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1d to Article IV thereof, relating to measures submitted to the voters.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 224

Senate Bill No. 254

Senate Bill No. 1005

And reports the same correctly engrossed.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 231

Senate Bill No. 279

Senate Bill No. 491

Senate Bill No. 492

Senate Bill No. 1305

Senate Bill No. 1306

Senate Bill No. 1387

Senate Bill No. 1567

Senate Bill No. 1626

And reports the same correctly engrossed.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Assembly Constitutional Amendment No. 24

Assembly Concurrent Resolution No. 80

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 3; absent 2.

SALSMAN, Vice Chairman

Above reported resolutions ordered to third reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Labor, to which was referred:

Assembly Bill No. 2480

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 7; committee vote: Ayes 4; absent 3.

JUDAH, Chairman

Above reported bill ordered to second reading.

Committee on Social Welfare

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Senate Bill No. 901

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

DILLINGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Assembly Bill No. 82

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

DILLINGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Senate Bill No. 1039

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

DILLINGER, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Social Welfare, to which was referred:

Assembly Bill No. 384

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

DILLINGER, Chairman

Above reported bill ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: The Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 182

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 5; absent 4.

SUTTON, Chairman

Above reported bill re-referred to Committee on Finance.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 20

Senator Dorsey moved that Senate Bill No. 20 be withdrawn from Committee on Transportation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 20—An act to add Part 2, comprising Chapters 1 to 13, inclusive, and Sections 8100 to 8268, inclusive, to Division 9 of the Streets and Highways Code, providing for the formation, government, and dissolution of separation of grade districts, prescribing their powers, providing for the performance of certain functions relating thereto by county officers, and relating to separation of grade of city streets by overpass, underpass and tunnel.

Bill read second time.

Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 15, of the printed bill, strike out "lying within the city".

Amendment No. 2

On page 4, line 3, of said bill, after the period, insert "As to any project which would involve a state highway, the commission shall obtain the approval of the State Department of Public Works, Division of Highways, as to the plans and such project shall be constructed pursuant to an agreement between the commission and the said department, as may be provided in said agreement."

Amendment No. 3

On page 5, line 20, of said bill, after "price", insert "and shall give another bond conditioned upon the payment of claims for labor and material in connection with the performance of his contract containing the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and subject to the provisions of that chapter".

Amendment No. 4

On page 5 of said bill, between lines 38 and 39, insert "8181. As to any project involving a state highway where the plans have been approved by the Department of Public Works, Division of Highways, the commission and the department may enter into and carry out contracts pursuant to Section 130 of the Streets and Highways Code."

Amendment No. 5

On page 6, line 24, of said bill, strike out "a majority", and insert "two-thirds, or more,".

Amendment No. 6

On page 6, line 31, of said bill, strike out "a majority", and insert "two-thirds, or more,".

Amendment No. 7

On page 7, line 35, of said bill, after "the", insert "real".

Amendment No. 8

On page 7, line 46, of said bill, after "tax", insert "upon the real property within the district".

Amendment No. 9

On page 8 of said bill, between lines 19 and 20, insert "8234. The city or the county in which the district is situated may contribute to the district all or part of any funds in its treasury including any moneys received under Section 8253 of the Revenue and Taxation Code apportioning the Motor Vehicle Fuel Fund. Any district formed under this act is authorized to accept and apply such contributions to the purposes of the act."

Amendment No. 10

On page 8, line 46, of said bill, strike out "if", and insert "or county if the project is in an unincorporated area, provided".

Amendment No. 11

On page 8, line 47, of said bill, after "city", insert "or county".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 354

Senator Crittenden moved that Senate Bill No. 354 be withdrawn from Committee on Transportation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 354—An act to add Section 467 to the Vehicle Code, relating to traffic signs, signals and markings.

Bill read second time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 3, of the printed bill, following "467.", strike out the balance of the line and all of lines 4 to 9, inclusive, and insert "The Department of Public Works shall proceed at once to erect and maintain official traffic control signals at intersections which cross state four-lane highways built for rapid transit, which crossings lead to rural public schools and school grounds in rural areas where school children regularly cross. The department shall begin at once to construct such signals at the most dangerous crossings, and shall continue such construction throughout the State as fast as the demand of safety requires until all such crossings are furnished with such traffic control signals."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1631

Senator Judah moved that Senate Bill No. 1631 be withdrawn from Committee on Elections for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1631—An act to add Section 1408 to the Elections Code, relating to initiative constitutional amendments.

Bill read second time.

Motion to Amend

Senator Judah moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "initiative".

Amendment No. 2

On page 1, line 3, of said bill, strike out "the people by the initiative propose".

Amendment No. 3

On page 1, line 5, of said bill, after "funds", insert "is proposed by the people or by the Legislature".

Amendment No. 4

On page 1, line 14, of said bill, after the period, insert "The estimate prepared by the Department of Finance shall be the only estimate which shall be printed with any proposed amendment in the ballot pamphlets."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Elections.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 880

Senator Ward moved that Senate Bill No. 880 be withdrawn from Committee on Labor for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 880—An act to repeal Sections 118 and 119 of the Labor Code, relating to the Industrial Accident Commission, its attorney and his assistants.

Bill read second time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert ", and to add Section 64 to,".

Amendment No. 2

On page 1 of said bill, after line 2, insert

"SEC. 2. Section 64 is added to said code, to read:

64. The director may contract with the Attorney General for the furnishing of legal advice, assistance and services for the department or any division thereof, and for the performance of all legal services for the Industrial Accident Commission.

SEC. 3. The person serving as counsel of the Industrial Accident Commission at the time this act takes effect, together with such of his assistants and clerical help as may be agreed upon by the director and the Attorney General, shall be transferred from the department to the Department of Justice without prejudice to such employees as to any rights which they may possess under the civil service laws of this State. Any remaining employees not so transferred to the Department of Justice shall be transferred to the compensation bureau of the Industrial Accident Commission. Any assistant attorneys so transferred to the compensation bureau shall be reclassified as referees of the Industrial Accident Commission under such provisions as may be made by the State Personnel Board."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 1524

Senator Ward moved that Assembly Bill No. 1524 be withdrawn from Committee on Judiciary for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Assembly Bill No. 1524—An act to amend Section 6028 of the Penal Code, relating to the creation of special commissions to study crime.

Bill read second time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Assembly April 21, 1949, strike out "Section", and insert "Sections". and after "5047", insert ", 5050.8, and 5125".

Amendment No. 2

On page 1, line 17, of said bill, after "proceeding", insert "when requested by the party who is to file the petition or other form".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, after line 21, insert

"SEC. 2. Section 5050.8 of said code is amended to read:

5050.8. If no demand is made for a hearing in behalf of the alleged mentally ill person after [five days from] the service of the notice, petition, orders or detention as provided in this chapter, the judge may *in his discretion* proceed [immediately] *forthwith* to determine the mental status of the alleged mentally ill person. If the judge is satisfied that the person is so mentally ill as to be in need of supervision, treatment, care and restraint, the judge may [immediately] *forthwith* issue an order for the commitment of the person to an institution for the custody and treatment of persons who are mentally ill.

No order for commitment shall issue unless two medical examiners have jointly made an examination of the person alleged to be mentally ill and have filed with the judge a report containing the facts and circumstances upon which the judgment of the examiners is based and stating that the condition of the person examined is such as to require care and treatment in an institution for the mentally ill.

If no one has secured the services of two medical examiners, the court may designate two such examiners. If it appears that the mentally ill person is harmless and his relatives or guardian are willing and able properly to care for him at some place other than such institution, upon their written consent, the judge may order that the person be placed in the care and custody of his relatives or guardian.

The judge may require other proof in addition to the petition and the report of the medical examiners.

SEC. 3. Section 5125 of said code is amended to read:

5125. If an alleged mentally ill person ordered to be cared for or detained in any licensed hospital or sanitarium as a mentally ill person or committed to a state hospital, or any friend in his behalf, is dissatisfied with the order of the judge so detaining or committing him, he may, within [five] *thirty* days after the making of such order, demand that the question of his mental illness be tried by a jury before the superior court of the county in which he was committed or the order of detention was issued. Thereupon the court shall cause a jury to be summoned and to be in attendance at a date stated, not less than five nor more than ten days from the date of the demand for a jury trial. The court shall submit to the jury the question: Is the person mentally ill?"

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 63: By Senators O'Gara and Regan—Relative to the proclaiming and observance of World Trade Week.

Request for Unanimous Consent

Senator O'Gara asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 63, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 63

Senate Concurrent Resolution No. 63—Relative to the proclaiming and observance of World Trade Week.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Burns, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Jespersen, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 69—An act to amend Section 707.5 of the Agricultural Code, relating to penalties for delinquent licensee fees under the Milk and Milk Products Act of 1947.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 393—An act to amend Sections 730.2, 731, 733.4, and 734 of, and to add a new Article 3, consisting of Section 734.5 to, the Agricultural Code, relating to the marketing of milk and other dairy products.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 3 of the printed bill, as amended, after line 51, insert

"(1) The selling of any new equipment by a distributor or ice cream manufacturer to any customer or individual at a price other than the printed retail list price of the equipment manufacturer, jobber or their agent and at terms different than the printed retail terms of said equipment manufacturer or jobber or agent shall be prohibited."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 221—An act to add Section 1066.7 to the Agricultural Code, relating to herbicides dangerous to crops.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 2 of the title of the printed bill as amended in Senate May 6, 1949, strike out "dangerous", and insert "injurious".

Amendment No. 2

In line 3 of the title of said bill, after "crops", insert ", declaring the urgency of this act, to take effect immediately".

Amendment No. 3

On page 1, lines 20 and 21, of said bill, strike out "to be dangerous", and insert ", after hearing, to be injurious".

Amendment No. 4

On page 1, line 22, of said bill, after the period, insert "The provisions of this section shall have no application in the event of rules and regulations having been adopted with reference to 2.4-D or other herbicides under the provisions of Section 1080 of this code."

Amendment No. 5

On page 1, line 23, of said bill, after "investigation", insert "and hearing".

Amendment No. 6

On page 1, line 25, of said bill, strike out "dangerous to crops that are or", and on page 2, line 1, strike out "may be", and insert "injurious to crops that are being".

Amendment No. 7

On page 2 of said bill, after line 11, insert

"Sec. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain herbicides, including some forms of herbicide 2.4-D, have been developed that will kill broad-leaved plants but which, because of the relatively smaller exposed surface of narrow-leaved plants are not harmful to the latter. Since many weeds are broad-leaved such selective herbicides will operate effectively as weed-killers in fields of grass or other narrow-leaved plants. Such herbicides are, however, very light and will float on the breeze for considerable distances without losing their deadly effect upon broad-leaved plants. The application of such herbicides in areas where broad-leaved plants, such as grapes, are cultivated might readily result in wholesale destruction of grape vines and other broad-leaved plants in the area. There is at present no adequate provision of law which will prevent the application of such herbicides under conditions which might cause extensive destruction of grape vines and other plants of great value to the State. It is therefore necessary in order that this danger may be guarded against during the growing season of the current calendar year that remedial measures be provided for immediately."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1389—An act to amend Section 951.5 of the Fish and Game Code, relating to nets.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 951.5 of", and insert "add Section 955.5 to".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 7, inclusive, and insert

"SECTION 1. Section 955.5 is added to the Fish and Game Code, to read: 955.5. In Districts 6, 7, and 10, trawl nets may be used in waters not less than three nautical miles from the nearest point of land on the mainland shore."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

Senate Bill No. 592—An act to authorize cities, cities and counties, counties, parking districts and parking authorities and the legislative bodies thereof to acquire, construct, maintain and operate public parking places for automobiles and to issue and sell revenue bonds to finance the same and to provide for the use and expenditure of the proceeds of such bonds and the use and disposition of revenue arising from public parking places so financed.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 7, of the printed bill as amended in the Senate May 13, 1949, strike out "chapter", and insert "act".

Amendment No. 2

On page 1, line 14, of said bill, after the period, insert "No existing parking facilities shall be acquired by a city except after public hearing following notice of the date, time, place, and purpose of such hearing published once not less than ten nor more than twenty days prior to the date of such hearing."

Amendment No. 3

On page 3, line 7, of said bill, strike out "or", and strike out line 8.

Amendment No. 4

On page 8, line 46, of said bill, strike out "and certification".

Amendment No. 5

On page 14, line 14, of said bill, after "county", insert "county, parking district and parking authority".

Amendment No. 6

On page 14 of said bill, between lines 14 and 15, insert "Sec. 119.5. "Legislative body" as used in this act means the governing legislative or administrative body of a city."

Amendment No. 7

On page 14 of said bill, between lines 25 and 26, insert "Sec. 119.5. "Indenture" as used in this act means ordinance, resolution, or indenture which may be passed, adopted or entered into by the legislative body of a city."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 479 An act to add Section 3.1 to the San Bernardino County Flood Control Act, relating to the creation of special zones.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1213 An act to amend the title of, to amend Sections 1, 2, and 4 of, and to add Section 6 to an act entitled "An act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor," approved April 21, 1911, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 6 of the title of the printed bill, strike out "and making an appropriation", and insert "relating to reports".

Amendment No. 2

On page 3, line 21, of said bill, strike out "The members", and strike out all of lines 22, 23, and 24.

Amendment No. 3

On page 3 of said bill, strike out lines 30 to 33, inclusive.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 605—An act to amend Sections 11493, 11505, and 11508 of, and to add Sections 11511 and 11515 to the Insurance Code, relating to nonprofit hospital service corporations and plans.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 2, line 19, of the printed bill, as amended in the Senate on May 12, 1949, strike out "well", and insert "will".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1444—An act to add Section 10202.8 to, and to amend Sections 10203.4, 10204, and 10270.5, and 10270.6 of, the Insurance Code, relating to group life and disability insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1 of the printed bill, as amended in the Senate on May 12, 1949, strike out line 1.

Amendment No. 2

On page 2, line 14, of said bill, strike out "of", and insert "or".

Amendment No. 3

On page 3, line 28, of said bill, strike out "10203", and insert "10202.8".

Amendment No. 4

On page 3, line 29, of said bill, strike out "10203.8", and insert "10203".

Amendment No. 5

On page 3, line 40, of said bill, strike out "20203", and insert "10203".

Amendment No. 6

On page 3, line 42, of said bill, strike out "10203.8", and insert "10202.8".

Amendment No. 7

On page 3, line 46, of said bill, strike out "10203.8", and insert "10202.8".

Amendment No. 8

On page 4, line 33, of said bill, strike out "10203.8", and insert "10202.8".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 246—An act to add Section 25643 to the Government Code, relating to the powers of boards of supervisors of each county to give fire protection.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 2, line 18, of the printed bill, as amended in Senate May 11, 1949, after "county", insert "and in addition said notice shall be published in a newspaper of

general circulation in said county once each week for two weeks immediately prior to said hearing".

Amendment No. 2

On page 2 of said bill, after line 25, insert

"This section shall not be construed as a grant of power to any county to expend county funds for structural fire protection."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1e to Article IV thereof, relating to initiative measures.

Resolution read, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1547—An act to add Section 136.5 to the Agricultural Code to provide more effective and expeditious abatement of pests.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1564—An act to amend Sections 359, 359.3, 359.5, and 360.4, and to add Chapter 8, comprising Section 438, to Division 3, of the Agricultural Code, relating to licensed slaughterers and to injunctive remedy.

Bill read second time, and ordered to third reading.

Assembly Bill No. 735—An act to amend Section 627.5 of the Agricultural Code, relating to chocolate drinks containing milk or skimmed milk.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

In line 14 of the printed bill, strike out "is", and insert "may be".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 409—An act to add Section 1028 to the Government Code, relating to disqualification from office or employment as peace officers for persons convicted of felonies and prescribing fingerprint records to be made of peace officers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1 of the printed bill, strike out lines 14 to 21, inclusive.

Amendment No. 2

On page 1, line 22, of said bill, strike "person; except that nothing", and insert "Nothing".

Amendment No. 3

On page 2 of said bill, strike out lines 5 to 7, inclusive.

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1900—An act to amend Sections 20025, 21250, and 21251 of, and to add Sections 20024.1 and 20685 to, the Government Code, relating to the State Employees' Retirement System, the contributions required thereunder, and the benefits payable therefrom, and providing for the refund or other disposition of certain optional contributions by state members of said system.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1132—An act to add Sections 1201.1, 1201.2, 1201.3, 1201.4, 1201.5, 1201.6, 1201.7, 1201.8, 1201.9, 1201.10, and 1201.11, to the Fish and Game Code, relating to pheasants and declaring the urgency thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 2, line 14, of the amended bill, strike out "neck", and insert "leg".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1109—An act to repeal Sections 713, 731, 732, and 733.5 of, and to add Sections 713, 714, 714.5 to, and to amend Sections 715, 716, and 717 of the Fish and Game Code, relating to marine fish.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2742—An act to add Section 1185 to the Fish and Game Code, relating to birds.

Bill read second time, and ordered to third reading.

Assembly Bill No. 223—An act to amend Section 426 of the Education Code, relating to county school superintendents' salaries in counties of the twenty-sixth class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 225—An act to amend Section 28145 of the Government Code, relating to compensation for public service in counties of the forty-fifth class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 226—An act to amend Section 28126 of the Government Code, relating to compensation for public service in counties of the twenty-sixth class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 265—An act to add Section 3456a $\frac{1}{2}$ to the Political Code, relating to the raising of money for reclamation districts by means of taxation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2367—An act to amend Section 7 of "An act entitled an act to provide for the protection of lands from overflow other than lands recognized as swamp lands," approved April 15, 1880, relating to protection districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1360—An act to amend Section 25461 of the Government Code, relating to the powers and duties of boards of supervisors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 5, of the printed bill, after "upon", insert a colon.

Amendment No. 2

On page 1, line 6, of said bill, strike out "does", and insert "(a) does".

Amendment No. 3

On page 1, line 7, of said bill, strike out "25457 or", and insert "25457, or (b)".

Amendment No. 4

On page 1 of said bill, following line 10, insert

"No change or alteration shall be authorized the amount of which is within the limitation specified in subdivision (b) and in excess of the limitation specified in subdivision (a) except by unanimous vote of the board."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1711—An act to amend Section 10490.1 of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 994—An act to establish a Banking Code and to revise, rearrange and consolidate the law relating to banks and banking, including that relating to the State Banking Department, the organization and establishment of banks and trust companies and branch offices, deposits and withdrawals, the deposit of funds by fiduciaries, collections, the assertion of adverse claims to deposits and property, regulation of loans and investments, maintenance of reserves, safe deposit business and enforcement of remedies, the trust business, foreign banking corporations, the receiving of money for transmission to foreign countries, the sale, merger, consolidation and conversion of banks and trust companies, and the liquidation, conservatorship, reorganization and dissolution of banks and trust companies, and providing for certain repeals.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 3, line 45, of the printed bill, following "state", insert "or".

Amendment No. 2

On page 4, line 49, of said bill, following "2", insert ", Superintendent".

Amendment No. 3

On page 9, line 7, of said bill, following "banks", insert "and trust companies".

Amendment No. 4

On page 18, line 6, of said bill, before "Notwithstanding", insert "622."

Amendment No. 5

On page 20, line 2, of said bill, following "to", insert "Title I".

Amendment No. 6

On page 21, line 37, of said bill, strike out "stock", and insert "real property".

Amendment No. 7

On page 21, line 41, of said bill, strike out "stock", and insert "real property".

Amendment No. 8

On page 21, line 45, of said bill, strike out "stock", and insert "real property".

Amendment No. 9

On page 22, line 11, of said bill, following the comma, insert "in the stock of one or more corporations authorized by Section 758 of this chapter.".

Amendment No. 10

On page 22 of said bill, commencing on line 24, strike out ", in the stock of one or more corporations authorized by Section 758 of this chapter,".

Amendment No. 11

On page 28, line 27, of said bill, following "filed", insert "by the bank".

Amendment No. 12

On page 43, line 48, of said bill, strike out "; and", and insert a period.

Amendment No. 13

On page 64, line 19, of said bill, strike out "for", and insert "or".

Amendment No. 14

On page 110, line 41, of said bill, strike out "(1)", and insert "(I)".

Amendment No. 15

On page 114, line 29, of the said bill, strike out "driectors", and insert "directors".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

UNFINISHED BUSINESS**Consideration of Assembly Amendments**

Senate Bill No. 1253—An act to amend Section 701 of the Agricultural Code, relating to containers for milk or milk products.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1253?

Amendment No. 1

On page 1, line 8, of the printed bill, as amended in the Senate on March 21, 1949, after "containers", insert ", except glass containers,".

Amendment No. 2

On page 1 of said bill, strike out line 9, and insert "rinsed and drained."

Amendment No. 3

On page 1, line 13, of said bill, strike out "free of foreign substances", and insert "rinsed and drained".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1253 by the following vote:

AYES—Senators Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Jespersen, Keating, Kraft, McBride, O'Garra, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 388—An act to amend Section 483 of the Vehicle Code, relating to striking an unattended vehicle.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 388?

Amendment No. 1

On page 1, line 3, of the printed bill, after "483.", insert "Duty Upon Striking Unattended Vehicle."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 388 by the following vote:

AYES—Senators Brown, Burns, Busch, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Hatfield, Jespersen, Judah, Keating, Kraft, Mayo, McBride, O'Garra, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Above bill ordered enrolled.

Chief Assistant Secretary Cleve V. Taylor at the Desk**Consideration of Assembly Amendments**

Senate Bill No. 1073—An act to add Sections 11, 12, 13, 14, and 15 to an act entitled "An act to provide for the maintenance of storm drain improvements, and of other watercourses or drainage channels; the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts; defining the powers of the board of supervisors and the county surveyor relative to such districts and providing for the levy and collection of taxes to defray the expenses thereof," approved May 11, 1937, and to renumber the existing sections of 11 and 12 of said act, relative to storm drain maintenance districts.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1073?

Amendment No. 1

On page 2, line 7, of the printed bill, strike out "over", and insert "in".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1073 by the following vote:

AYES—Senators Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Keating, Kraft, Mayo, McBride, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 976—An act to add Article 4, comprising Sections 1610 to 1620, inclusive, to Chapter 4, Part 2, Division 1 of the Insurance Code, relating to actions in this State against nonadmitted insurers.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 976?

Amendment No. 1

On page 2, line 1, of the printed bill, as amended in the Assembly on May 4, 1949, strike out "1619", and insert "1620".

Amendment No. 2

In line 1 of the title of the printed bill, as amended in the Senate on March 31, 1949, strike out "1619", and insert "1620".

Amendment No. 3

On page 1, line 12, of said bill, after "issuance", and before the semicolon, insert "*this presenting to such residents the often insuperable obstacle of resorting to distant forums for the purpose of asserting legal rights under such policies*".

Amendment No. 4

On page 1, line 16, of said bill, strike out "largely".

Amendment No. 5

On page 3, line 23, of said bill, strike out "The,"; and strike out lines 24 to 29, inclusive.

Amendment No. 6

On page 4, line 7, of said bill, after "SEC. 3." and before the word "If", insert "Section 1620 is added to the Insurance Code, to read:

1620. The provisions of the preceding sections of this article shall not apply to any action, suit or proceeding against any unauthorized foreign or alien insurer arising out of any contract of insurance effected in accordance with Sections 1760.5 and 1763 where such contract contains a provision designating a resident of this State or any firm of which one member is a resident of this State to be its true and lawful attorney upon whom may be served all lawful process in any such action, suit or proceeding.

In any such action, suit or proceeding arising out of any such contract of insurance, the court may require the insurer to deposit cash or securities, or file bond with good and sufficient sureties, to be approved by the court, in an amount sufficient to secure the payment of any final judgment which may be rendered unless such insurer makes a showing satisfactory to the court that it maintains in a state of the United States funds or securities in trust or otherwise, sufficient and available to satisfy any such final judgment and that it will pay any such judgment without requiring suit to be brought thereon in the state where such securities or funds are located.

SEC. 4."

Amendment No. 7

On page 4, line 13, of said bill, strike out "4", and insert "5".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 976 by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Judah, Keating, Kraft, McBride, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Bill No. 1053—An act to amend Sections 14.2, 15, 15.1, 15.2, 15.3, 18, and 19.6 and to repeal Sections 16, 16.1, and 16.2 of the Fish and Game Code, relating to the powers of the Fish and Game Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Swing, Ward, Weybret, and Williams—29.

NOES—Senators Donnelly, Sutton, Tenney, and Watson—4.

Bill ordered transmitted to the Assembly.

Senate Bill No. 921—An act to amend Section 2 of the Unemployment Insurance Act, relating to unemployment insurance.

Motion to Refer Bill to Inactive File

Senator Kraft moved that Senate Bill No. 921 be placed on the inactive file.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to have Senate Bill No. 130 passed on file and retain its place on file until the next legislative day.

MOTION TO PRINT OPINION OF THE LEGISLATIVE COUNSEL

Senator Drobish moved that the following opinion of the Legislative Counsel regarding the constitutionality of Senate Bill No. 130, be printed in the Journal.

Motion carried.

OPINION OF THE LEGISLATIVE COUNSEL

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, May 18, 1949

Hon. Harry E. Drobish
Senate Chamber

Un-American Activities—No. 6894

DEAR SENATOR DROBISH: You have asked our opinion as to the constitutionality of Senate Bill No. 130, as amended May 16, 1949, relating to the teaching of un-American systems of government upon school property.

The bill would make it a misdemeanor to teach Communism, Nazism, Fascism, or any other system or plan of government except the American system or plan, upon any school property of the State, if done with the intent to indoctrinate any pupil with, or inculcate a preference in the mind of any pupil, for any such system or plan.

Under the due process clause of the Constitution of the United States it has been held that a penal statute in order to meet the requirement of due process must be sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties (see *Whitney v. California*, 274 U. S., at page 368).

The terms "Communism," "Fascism," "Nazism," do not appear to have a definite and certain meaning. The "American system or plan" has none too certain a connotation. The expression "any other system or plan of government except the American system or plan" seems equally vague.

Whatever latitude in that regard might be constitutionally permissible in a statute that prescribes principles designed to guide the school authorities in laying out and conducting a course of instruction in the public schools is irrelevant because this is not such a measure. It has a much wider sweep. The "teaching" which it proscribes may occur within or without the schoolroom, by a classroom teacher conducting a course in civics or by a lecturer before a general audience in the auditorium or on the grounds outside the schoolhouse, if in the latter case there happens to be a "pupil" in the audience.

In our opinion, the essential provisions of this bill lack that degree of definiteness and certainty which the due process clause requires of a penal statute.

Very truly yours,

FRED B. WOOD, Legislative Counsel
HARRY J. ENGLEBRIGHT, Deputy

Copy to author of Senate Bill No. 130
pursuant to Joint Rule 34

CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Senate Bill No. 437 was taken up.

Senate Bill No. 437—An act to amend Section 11611 of the Business and Professions Code, relating to streets and easements in real estate subdivisions.

Motion to Re-set Special Order

Senator Hatfield moved that Senate Bill No. 437 be made a special order of business for Tuesday, May 24, 1949, at 2.30 p.m.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1304—An act to amend Section 222 of the Vehicle Code, relating to stolen vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, O'Gara, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1567—An act to repeal Sections 95 and 96, Article 19 of the Community Redevelopment Act, relating to the State Redevelopment Agency.

Motion to Refer Bill to Inactive File

Senator Rich moved that Senate Bill No. 1567 be placed on the inactive file.

Motion carried.

Senate Bill No. 279—An act to amend Section 189 of the Code of Civil Procedure, relating to destruction of court records.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Judah, Keating, Mayo, McBride, O'Gara, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 231—An act to amend Section 1170 of the Harbors and Navigation Code, relating to pilotage rates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, O'Gara, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 491—An act to amend Section 459 of the Vehicle Code, relating to regulatory powers of local authorities with respect to highway traffic.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 26, of the printed bill, strike out "Railroad", and insert "Public Utilities".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Bill No. 492—An act to amend Sections 511.2, 511.3, and 511.6 of the Vehicle Code, relating to speed limits upon highways.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 6, of the printed bill, after "authority", insert a comma.

Amendment No. 2

On page 2, line 36, of said bill, strike out "Within Cities".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

MOTIONS TO RECONSIDER

Assembly Bill No. 1379—An act to amend Sections 317 and 319 of the Education Code, relating to the compensation of members of county boards of education.

MOTION TO RECONSIDER ASSEMBLY BILL NO. 1379

Pursuant to his motion previously made, Senator Donnelly moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1379 was passed.

The roll was called, and Assembly Bill No. 1379 reconsidered by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, O'Gara, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Assembly Bill No. 1379 ordered placed on third reading file.

Senator McBride Presiding

At 2.52 p.m., Senator James J. McBride of the Thirty-third District, presiding.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 209—An act to amend Sections 70 and 73 of the Civil Code, relating to solemnizing marriage.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hulse, Jespersen, Judah, Keating, Mayo, McBride, O'Gara, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1023—An act to amend Section 17127 and to repeal Section 17136.1 of the Revenue and Taxation Code, relating to personal income taxes, and providing that the act shall take effect immediately.

Bill read third time, and presented by Senator Ward.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, O'Gara, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 3035—An act to add Section 3522 to the Revenue and Taxation Code, relating to deeds to the State for taxes.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Hatfield, Jespersen, Judah, Keating,

Mayo, McBride, O'Gara, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1024—An act to amend Section 18472 of the Revenue and Taxation Code, relating to personal income taxes.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Jespersen, Judah, Keating, Mayo, McBride, O'Gara, Regan, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1031—An act to amend Section 17951, and to repeal Section 17320.9 of the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

Bill read third time, and presented by Senator Ward.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, O'Gara, Regan, Rich, Sutton, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1032—An act to amend Sections 17813, 17817, and 18172.7 to the Revenue and Taxation Code, relating to personal income taxes.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1033—An act to amend Sections 18171, 18586, 18691, 18691.1, 18692, 19053.5, and 19061.1, and to add Section 18586.1, to the Revenue and Taxation Code, relating to personal income taxes, and providing that this act shall take effect immediately.

Bill read third time, and presented by Senator Ward.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1942—An act to amend Sections 18303 and 18406 of the Revenue and Taxation Code, relating to the filing of partnership and fiduciary returns.

Bill read third time, and presented by Senator Ward.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, Regan, Rich, Salsman, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1943—An act to amend Sections 1, 4, 5, 8, 9, 12, 13, 24, 24.1, 25, 31, and 34.1, and to repeal Section 8.2 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Bill read third time, and presented by Senator Ward.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1944—An act to amend Sections 2, 7, 8, 15, 16, 18.1, 19, and 24, and to repeal Section 7.2 of the Corporation Income Tax Act, relating to the levy and collection of taxes upon the income of corporations, associations, and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Bill read third time, and presented by Senator Ward.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Judah, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Judah, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2764—An act to amend Section 28361, and Section 28380 and Section 28411 of the Health and Safety Code, and to add Section 28411.5 to the Health and Safety Code, relating to canneries.

Bill read third time, and presented by Senator Burns.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, O'Gara, Rich, Salsman, Sutton, Tenney, Ward, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 625—An act to repeal Section 586.5 of, and to add Sections 39.7 and 586.5 to the Vehicle Code, relating to the operation of tow cars.

Bill read third time, and presented by Senator Jespersen.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Hatfield, Hulse, Jespersen, Keating, McBride, Regan, Rich, Salsman, Sutton, Tenney, Watson, and Williams—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1713—An act to add Section 55.65 to and to amend Sections 40 and 55.6 of the Alcoholic Beverage Control Act, relating to the sale of wine, requiring the posting of prices and the making and filing of fair trade contracts in relation thereto, and governing the giving of discounts in connection with the sale of wine.

Bill read third time, and presented by Senator Burns.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Hatfield, Hulse, Keating, Mayo, McBride, Regan, Rich, Salsman, Tenney, Ward, Watson, and Williams—21.

NOES—Senator O'Gara—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 428—An act to add Section 834 to the Corporations Code, relating to derivative actions by shareholders.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1393—An act to add Section 373.5 to the Code of Civil Procedure, relating to the appointment and compensation of guardian ad litem for unborn and unascertained persons.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Hatfield, Hulse, Jespersen, Judah, Keating, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 518—An act to amend Sections 1203.1 and 1203a of the Penal Code, relating to the terms and conditions of probation.

Bill read third time, and presented by Senator Regan.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Burns, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drabish, Hatfield, Hulse, Judah, Keating, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Salsman Presiding

At 3.58 p.m., Senator Byrl R. Salsman, Vice Chairman of the Committee on Rules of the Senate, presiding.

POINT OF PERSONAL PRIVILEGE

Senator Tenney rose to a point of personal privilege and stated that during the discussion on Monday, May 16, 1949, he made the statement that Senator O'Gara was called before the Democratic Club in San Francisco and Senator O'Gara rose and called him a liar. In substantiating his statement he is offering a letter, and asked that the letter be read.

Motion to Print Letter in the Journal

Senator Tenney moved that the letter be printed in the Journal.

Senator Hatfield rose and gave notice that after the letter is read he will offer an objection to have the letter printed in the Journal.

Senator Tenney withdrew his motion to have the letter printed in the Journal.

The letter was read.

Motion to Print Letter in the Journal

Senator Tenney moved that the letter be printed in the Journal.

Point of Order

Senator Swing rose to a point of order that the editorial printed in the Journal of May 16, 1949 is not under discussion at this time and that the only matter before the Senate is the printing in the Journal of the letter offered by Senator Tenney.

The President ruled the point of order well taken.

Point of Order

Senator Hatfield rose to the point of order that the statement wherein Senator Tenney was called a liar by Senator O'Gara does not appear in the Journal of May 16, 1949, and that therefore, the letter offered by Senator Tenney should not be printed in the Journal.

The President ruled the point of order well taken.

Point of Personal Privilege

Senator O'Gara rose to a point of personal privilege and stated that he was not summoned before the Democratic Club and that the statements by Senator Tenney are untrue.

Motion to Lay on the Table

Senator Mayo moved that the motion by Senator Tenney to have the letter printed in the Journal be laid on the table and that Senators O'Gara and Tenney be denied use of the Senate Chamber to discuss this matter further.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill No. 433—An act to add Section 625b to the Penal Code, relating to wilful or malicious injury to aircraft and providing a penalty therefor.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Regan, Rich, Salsman, Sutton, Tenney, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator McBride Presiding

At 4.20 p.m., Senator James J. McBride of the Thirty-third District, presiding.

Assembly Bill No. 919—An act to amend Sections 1064 and 1071.2 of, and to add Section 1064.2 to, the Agricultural Code, relating to economic poisons.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Jespersen, Judah, Mayo, McBride, Regan, Rich, Salsman, Sutton, Tenney, Watson, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RESCIND ACTION

Senator Hatfield moved to rescind the action whereby Senator O'Gara was granted unanimous consent to have printed in the Journal of May 16, 1949, an editorial from the San Francisco Chronicle, appearing on pages 1927 and 1928.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Brown, Busch, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Judah, Kraft, Mayo, McBride, Regan, Rich, Salsman, Sutton, Watson, and Williams—24.

NOES—Senator O'Gara—1.

MOTION TO DELETE FROM THE JOURNAL

Senator Hatfield moved that the editorial taken from the San Francisco Chronicle appearing on pages 1927 and 1928 of the Senate Journal of May 16, 1949, be deleted from the Journal.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill No. 1018—An act to amend Section 762.5 of, and to add Section 768 to, the Agricultural Code, relating to the inspection of tomatoes delivered for canning and tomato inspection certificates.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Busch, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, O'Gara, Regan, Rich, Salsman, Sutton, Tenney, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2982—An act to add Article 14, comprising Sections 14594 to 14599, inclusive, to Chapter 2 of Part 3 of Division 12 of the Health and Safety Code, relating to the powers of the governing board of a county fire protection district.

Bill read third time.

Motion to Amend

Senator Dorsey moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill as amended in Assembly April 20, 1949, strike out "14594 to 14599", and insert "14598 to 14598.5".

Amendment No. 2

On page 1, line 3, of said bill, strike out "14594 to 14599", and insert "14598 to 14598.5".

Amendment No. 3

On page 1, line 7, of said bill, strike out "14594", and insert "14598".

Amendment No. 4

On page 1, line 16, of said bill, strike out "14595", and insert "14598.1".

Amendment No. 5

On page 1, line 22, of said bill, strike out "14596", and insert "14598.2".

Amendment No. 6

On page 2, line 5, of said bill, strike out "14597", and insert "14598.3".

Amendment No. 7

On page 2, line 18, of said bill, strike out "14598", and insert "14598.4".

Amendment No. 8

On page 1, line 25, of said bill, strike out "14599", and insert "14598.5".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 432—An act relating to labor, service and material liens on aircraft.

Bill read third time.

Motion to Amend

Senator Donnelly moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 43, of the printed bill as amended in Senate May 18, 1949, strike out "not".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2849—An act to add Section 6404 to the Revenue and Taxation Code, relating to exemption of livestock from the use tax.

Bill read third time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the printed bill, strike out "livestock, including", and after "horses", strike out ", cattle, sheep and swine,".

Amendment No. 2

In line 6 of the printed bill, after "or", strike out "in the case of horses".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Senate Bill No. 479, at this time, for the purpose of amendment.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 479—An act to add Section 3.1 to the San Bernardino County Flood Control Act, relating to the creation of special zones.

Bill read second time.

Motion to Amend

Senator Swing moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 4, of the printed bill, after "at", strike out "any time".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 457

Senator Salsman moved that Senate Bill No. 457 be withdrawn from Committee on Financial Institutions for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 457—An act to repeal Sections 750.1 and 750.2 of the Insurance Code and to add Section 750.5 thereto, relating to title insurance.

Bill read second time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

Strike out the title of the printed bill, and insert

"An act to repeal Sections 750.1 and 750.2 of, and to add Article 6 to Chapter 1 of Part 6 of Division 2 of the Insurance Code, relating to the payment of rebates and commissions on title insurance business by title insurers and others."

Amendment No. 2

On page 1, of said bill, strike out line 3, and insert

"SEC. 2. Article 6 is added to Chapter 1, Part 6, Division 2 of said code, to read:

Article 6. Rebates and Commissions

12401. Every title insurer shall adopt, print and make available to the public a schedule of fees and charges for title policies. Such schedule shall show the entire charge to the public for each type of title policy regularly issued by the insurer, either by a statement of the particular charge for each type of policy in given amounts of coverage or by a statement of the charge per unit of the amount of coverage, or a combination of the two, and shall include the charge made by any underwritten title company for the title search, title examination, certificate or abstract of title upon the basis of which such title policy is issued. Such schedule may include a statement that additional charges are made when unusual conditions of title are encountered or when special or unusual risks are insured against and that additional charges are made for special services rendered in connection with the issuance of a title policy. Such schedule may provide different fees or charges for title policies covering property in different counties or separate schedules may be adopted for title policies covering property in different counties.

12402. Each person engaged in the business of handling escrows of real property transactions in connection with which title policies are issued by a title insurer, which person, if an artificial person, directly or indirectly, is controlled by, or controls, or is under common control with, a title insurer, or controls or is controlled by or is under common control with an underwritten title company, or, if a natural person, is employed by or controlled by a title insurer, or by an underwritten title company, is herein, for the purposes of this article, called a "controlled escrow company." Each person engaged in the business of preparing title searches, title examinations, certificates or abstracts of title upon the basis of which a title insurer regularly writes title policies is herein called, for the purposes of this article, "an underwritten title company."

12403. The schedules provided for in Section 12401 shall be printed in type not smaller than 10-point, shall be dated to show the dates they became effective, and so long as they are effective shall be kept at all times readily available to the public and prominently displayed in a public place in each of the offices of the title insurer, the controlled escrow company and the underwritten title company in the particular county to which they relate. On request, copies of such schedules shall be furnished to the public. All or any part of any schedule may be changed or amended at any time or from time to time. Each change or amendment shall be printed and dated to show the effective date of such change or amendment. No change or amendment shall become effective until at least five days after it has been displayed in the offices above mentioned in this section in the same manner as above provided for the display of schedules, and no change or amendment, increasing fees or charges, shall apply to title policies ordered prior to the effective date of such change or amendment. Each title insurer, controlled escrow company and underwritten title company shall keep a complete file of its schedules and of all changes and amendments thereto until at least five years after they shall have ceased to be in effect, and such file shall be available for inspection by the commissioner at any appropriate time.

12404. No title insurer, no controlled escrow company, and no underwritten title company shall pay to any person who is acting as agent, representative, attorney,

or employee of the owner, lessee, mortgagee or of the prospective owner, lessee, or mortgagee of the real property or any interest therein, either directly or indirectly, any commission, or any part of its fees or charges or any other consideration as an inducement for or as compensation on any title insurance business or any escrow or other title business in connection with which a title policy is issued.

12405. No title insurer, no controlled escrow company, and no underwritten title company shall make any rebate of any portion of the fee or charge shown by the schedule required by Section 12401. No title insurer, no controlled escrow company and no underwritten title company shall quote any fee or make any charge for a title policy to any person which is less than that currently available to others for the same type of title policy in a like amount covering property in the same county and involving the same factors as set forth in its then currently effective schedule of fees and charges. The amount by which any fee or charge is less than that called for by the then currently effective schedule of fees and charges of the title insurer is an unlawful rebate; provided, that nothing contained in this article shall prohibit bulk rates or special rates for customers of prescribed classes if such bulk or special rates are provided for in such schedule.

12406. No title insurer shall issue any title policy in any transaction in connection with which it or any person which is a controlled escrow company or underwritten title company by reason of its relationship with such title insurer has paid or contemplates paying any commission in violation of Section 12404 or in connection with which it or any such controlled escrow company or underwritten title company has made or contemplates making any unlawful rebate in violation of Section 12405.

12407. The commissioner, if he has reason to believe that any controlled escrow company or any underwritten title company has violated or is violating any of the provisions of this article, has the power and it is his duty to forthwith examine its books, records and accounts and in making any such examination he has all the power set forth in Article 4, Chapter 1 of Part 2 of Division 1 of this code and any company so examined shall pay to the commissioner the cost of such examination on demand. Any moneys collected by the commissioner pursuant to this section shall be deposited by him in accordance with Section 736 of this code. Whenever the commissioner examines a title insurer, he shall make such examination of its books, records, and files as may be necessary in his judgment to determine whether or not it has violated or is violating any of the provisions of this article.

12408. Every title insurer shall include in its annual statement furnished the commissioner pursuant to Article 1, Chapter 1, Part 2, Division 1 of this code, the name of each person which is a controlled escrow company or underwritten title company by reason of its relationship with such title insurer.

12409. Every title insurer and every controlled escrow company and every underwritten title company which pays any commission or which makes any unlawful rebate in violation of this article shall be liable to the people of California for five times the amount of any such commission or unlawful rebate, the amount thereof to be recovered by the commissioner pursuant to Section 12976 of this code in addition to any other penalty imposed by law.

12410. In enforcing any of the provisions of this article, the commissioner shall be entitled to the remedies provided for in Section 12928.6 of this code.

12411. The commissioner may cancel the certificate of authority of any title insurer which, after ten days' written notice from the commissioner requiring it so to do, fails to print, display and make available to the public its schedule of fees and charges in the manner provided in this article. The commissioner may likewise cancel the certificate of authority of any title insurer which, after ten days' written notice from the commissioner requiring it to cease and desist, continues to pay any commission or to make any rebate in wilful violation of the provisions of this article, or to issue any title policy in wilful violation of Section 12406.

12412. Nothing in this article prohibits the division of fees or charges between two or more title insurers or between one or more title insurers and one or more underwritten title companies; provided, that a title insurer shall specify on any title policy issued by it, in a single amount, the entire charge made to obtain such title policy including the charge made by any underwritten title company for the title search, title examination, certificate or abstract of title upon the basis of which such title policy is issued. Such specification of charge on a title policy shall be deemed to be a compliance with the provisions of Section 381(f) of this code notwithstanding that only a portion thereof is income to the title insurer."

Amendment No. 3

On page 1 of said bill, strike out lines 4 to 29, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1230

Senator Crittenden moved that Senate Bill No. 1230 be withdrawn from Committee on Water Resources for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1230 An act to amend Sections 27, 28, 29, 30, 31, 32, 33, 34, 35, 46.5, 52, and 54 of the State Water Resources Act of 1945, relating to water resources.

Bill read second time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, after "54 of", insert ", and to add Sections 56.1, 56.2, 56.3, 56.4, 56.5, and 56.6 to,".

Amendment No. 2

On page 1, line 9, of said bill, strike out "----- (\$-----)", and insert "two hundred sixty thousand dollars (\$260,000)".

Amendment No. 3

On page 1, line 20, of said bill, strike out "----- (\$-----)", and insert "nine hundred thousand dollars (\$900,000)".

Amendment No. 4

On page 2, lines 1 and 2, of said bill, strike out "----- (\$-----)", and insert "forty-six million eight hundred fifty thousand dollars (\$46,850,000)".

Amendment No. 5

On page 2, line 10, of said bill, strike out "----- (\$-----)", and insert "six hundred seventy thousand dollars (\$670,000)".

Amendment No. 6

On page 2 of said bill, strike out lines 23 to 40, inclusive, and insert "tional cost to the State of four million seven hundred fifteen thousand dollars (\$4,715,000), or such other project as shall finally be decided upon which will accomplish the same flood control purposes as proposed by the Table Mountain Dam or any other dam across the Sacramento River in the same general vicinity, subject to modification that may hereafter be made by Congress. It is the intention of the Legislature that, if a feasible plan can be found which will provide adequate flood control in the upper Sacramento Valley without the necessity of constructing a dam across the Sacramento River at the Table Mountain site, or any other site in the same general vicinity and thereby prevent the necessity of flooding valuable agricultural land and at the same prevent damage to the fishing resources of the Sacramento River, such alternate plan should be adopted."

Amendment No. 7

On page 2, lines 48 and 49, of said bill, strike out "----- (\$-----)", and insert "three hundred sixty-five thousand dollars (\$365,000)".

Amendment No. 8

On page 3, line 6, of said bill, strike out "----- (\$-----)", and insert "one million two hundred seventy-nine thousand dollars (\$1,279,000)".

Amendment No. 9

On page 3, line 15, of said bill, strike out "----- (\$-----)", and insert "four hundred thirteen thousand dollars (\$413,000)".

Amendment No. 10

On page 3, line 34, of said bill, strike out "----- (\$-----)", and insert "one hundred seventy-nine thousand five hundred dollars (\$179,500)".

Amendment No. 11

On page 3, line 41, of said bill, strike out "----- (\$-----)", and insert "two million seven hundred thousand dollars (\$2,700,000)".

Amendment No. 12

On page 3, line 50, of said bill, strike out "----- (\$-----)", and insert "one million eight hundred eighty-two thousand dollars (\$1,882,000)".

Amendment No. 13

On page 4, lines 7 and 8, of said bill, strike out "----- (\$-----)", and insert "thirteen thousand four hundred dollars (\$13,400)".

Amendment No. 14

On page 4 of said bill, after line 8, insert

"SEC. 13. Section 56.1 is added to said act, to read:

Sec. 56.1. The project for flood protection along Salinas River, California, is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated April 26, 1946, at an estimated cost to the State of two hundred eighty-five thousand dollars (\$285,000).

SEC. 14. Section 56.2 is added to said act, to read:

Sec. 56.2. The Monterey County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of War that the local cooperation required by Sec. 2 of the Act of Congress approved July 24, 1946 (Public, Numbered 526, Seventy-ninth Congress, second session), will be furnished by the Monterey County Flood Control and Water Conservation District in connection with the flood control project adopted and authorized by Section 56.1 of this act.

SEC. 15. Section 56.3 is added to said act, to read:

Sec. 56.3. It shall be the duty of the Monterey County Flood Control and Water Conservation District, in conjunction with the War Department, to execute the plans and projects referred to in Section 56.1 of this act and exercise all powers granted to it in the Monterey County Flood Control and Water Conservation District Act, and said district may make modifications and amendments to said plans as may be necessary to execute the same for the purposes of this act.

SEC. 16. Section 56.4 is added to said act, to read:

Sec. 56.4. The project for flood protection along the Santa Clara River and its tributaries, California, is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 443, Eightieth Congress, at an estimated cost to the State of one hundred fifty thousand dollars (\$150,000).

SEC. 17. Section 56.5 is added to said act, to read:

Sec. 56.5. The Ventura County Flood Control District shall give assurances satisfactory to the Secretary of War that the local cooperation, required by Section 201 of the Act of Congress, approved June 30, 1948 (Public, Numbered 558, Eightieth Congress), will be furnished by the Ventura County Flood Control District in connection with the flood control project adopted and authorized by Section 56.4 of this act.

SEC. 18. Section 56.6 is added to said act, to read:

Sec. 56.6. It shall be the duty of the Ventura County Flood Control District in conjunction with the War Department, to execute the plans and projects referred to in Section 56.4 of this act and exercise all powers granted to it in the Ventura County Flood Control District Act, and said district may make modifications and amendments to said plans as may be necessary to execute the same for the purposes of this act."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 61

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred:
Assembly Bill No. 1870

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Assembly Bill No. 2388

Assembly Bill No. 1822

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Assembly Bill No. 704

Assembly Bill No. 1630

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 6; absent 6.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Assembly Bill No. 450

Assembly Bill No. 778

Assembly Bill No. 781

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Assembly Bill No. 419

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 8; Noes 1; absent 3.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Assembly Bill No. 420

Assembly Bill No. 2247

Assembly Bill No. 1643

Assembly Bill No. 2248

Assembly Bill No. 1863

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 9; absent 3.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Assembly Constitutional Amendment No. 49

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 12; committee vote: Ayes 10; absent 2.

WARD, Chairman

Above reported resolution ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 62

Senate Resolution No. 102

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 3; absent 2.

SALSMAN, Vice Chairman

Above reported resolutions ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Resolution No. 104

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted, as amended.

Committee membership 5; committee vote: Ayes 3; absent 2.

SALSMAN, Vice Chairman

Above reported resolution ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Business and Professions, to which were referred:

Senate Bill No. 462

Senate Bill No. 1186

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 7, absent 2.

BURNS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 19, 1949

Mr. President: The Committee on Business and Professions, to which were referred:

Senate Bill No. 960
Assembly Bill No. 256
Assembly Bill No. 588
Assembly Bill No. 681

Assembly Bill No. 718
Assembly Bill No. 1318
Assembly Bill No. 2150
Assembly Bill No. 2744

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

BURNS, Chairman

Above reported bills ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 19, 1949

Mr. President: The Committee on Business and Professions, to which was referred:

Senate Bill No. 329

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to the Committee on Finance.

Committee membership 9; committee vote: Ayes 5; noes 2; absent 2.

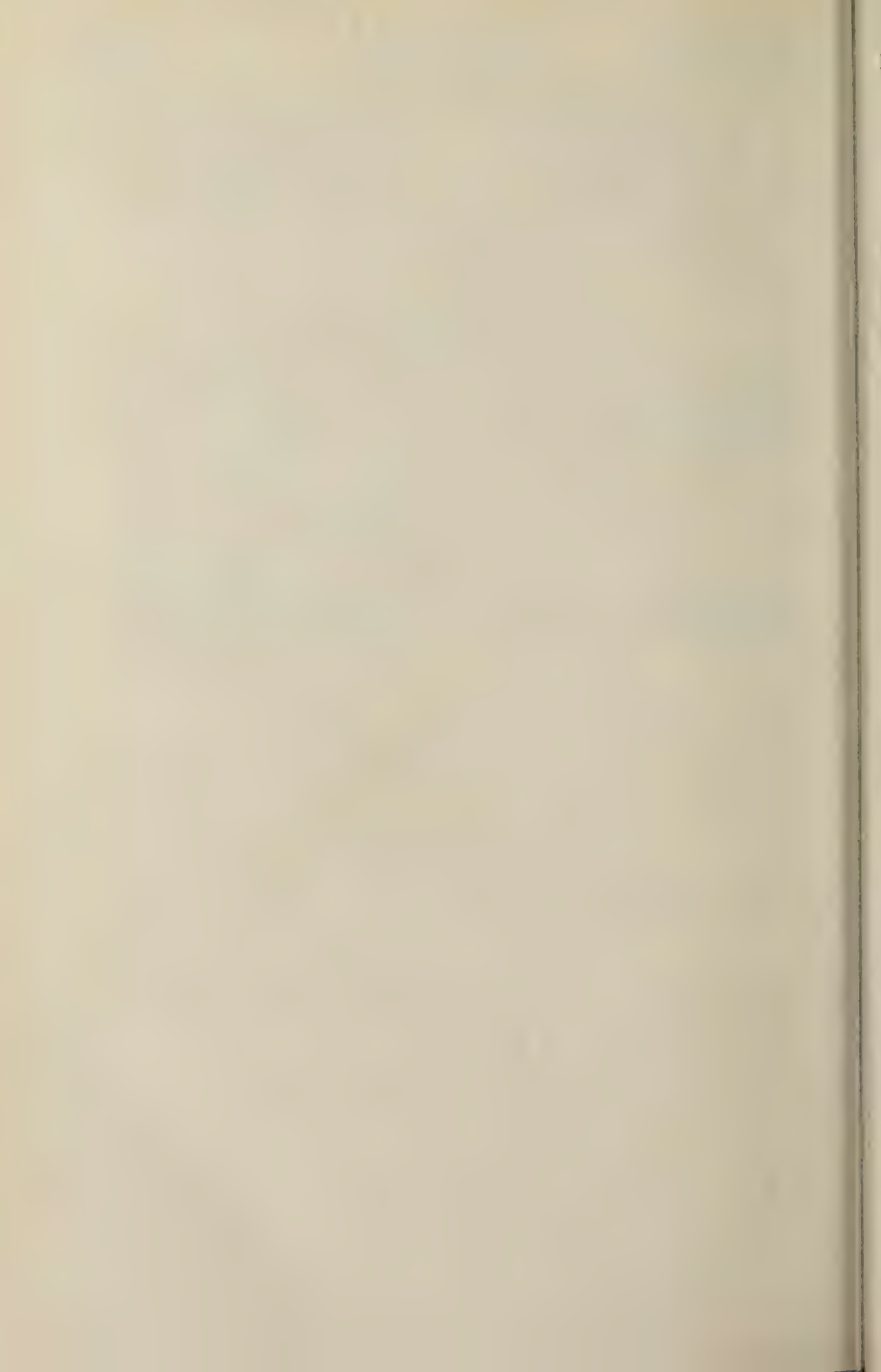
BURNS, Chairman

Above reported bill re-referred to Committee on Finance.

ADJOURNMENT

At 4.44 p.m., on motion of Senator Dillinger, the President declared the Senate adjourned until 10 a.m., Friday, May 20, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTY-SIXTH LEGISLATIVE DAY

ONE HUNDRED THIRTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, May 20, 1949

The Senate met at 10 a.m.

Hon. Byrl R. Salsman, Vice Chairman, Committee on Rules of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Powers, on motion of Senator Watson, due to illness.

Senator Mayo, on motion of Senator Watson, due to legislative business.

Senator Regan, on motion of Senator Watson, due to legislative business.

Senator O'Gara, on motion of Senator Watson, due to legislative business.

Senator Abshire, on motion of Senator Busch, due to legislative business.

Senator Judah, on motion of Senator Busch, due to legislative business.

Senator Parkman, on motion of Senator Busch, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ray Chervy of Los Angeles.

On request of Senator Dilworth, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. L. A. Sandford of Indio.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 69

Senate Bill No. 479

Senate Concurrent Resolution No. 62

And reports the same correctly engrossed.

SALSMAN, Vice Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 90

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 20, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 15

Senate Bill No. 207

Senate Bill No. 94

Senate Bill No. 447

Senate Bill No. 138

Senate Bill No. 542

Senate Bill No. 163

Senate Bill No. 835

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 706

Assembly Bill No. 547

Senate Bill No. 684

Assembly Bill No. 3149

Assembly Bill No. 526

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1304

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 164

Senator Watson moved that Senate Bill No. 164 be withdrawn from Committee on Local Government for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 164—An act to amend Section 4730 of the Health and Safety Code, relating to county sanitation districts.

Bill read second time.

Motion to Amend

Senator Watson moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, strike out lines 12 to 40, inclusive, and insert "district existing at the time of the formation of a sanitation district is not so represented. A member of the governing body of each sanitary district existing at the time of the formation of a sanitation district, the whole or part of which is included in the sanitation district, is a member of the board.

If the sanitation district includes territory which is unincorporated and not included in a sanitary district, then a member of the county board of supervisors is a member of the board.

If the sanitation district includes all or part of one city and no sanitary district, or one sanitary district existing at the time of the formation of a sanitation district and no city, then two members of the board of supervisors are members of the board, unless the population included in the city or sanitary district existing at the time of the formation of a sanitation district is more than half of the population of the whole sanitation district, in which case one member of the board of supervisors and two members of the governing body of the city or sanitary district existing at the time of the formation of a sanitation district constitute the board of directors.

If the total number of cities and sanitary districts existing at the time of the formation of a sanitation district included in the sanitation district, in whole or in part, excepting cities wholly within sanitary districts existing at the time of the formation of a sanitation district is two, and if the sanitation district does not include any territory not in cities or sanitary districts existing at the time of the formation of a sanitation district, then the district board includes two members from each of the governing bodies of the cities and sanitary districts existing at the time of the formation of a sanitation district in whole or in part within the sanitation district, excepting cities within sanitary districts existing at the time of the formation of a sanitation district.

If the total number of cities and sanitary districts existing at the time of the formation of a sanitation district wholly or in part within the sanitation district, excepting cities wholly within sanitary districts existing at the time of the formation of a sanitation district, is two or more, and if the territory not included in cities or sanitary districts existing at the time of the formation of a sanitation district constitutes more than half of the total area of the sanitation district, then the district board includes members of the board of supervisors equal to the representatives of said cities and sanitary districts from each of the".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 901—An act to amend the title and to repeal Sections 56, 58, 101, 101.5, 101.6, 101.8, and 101.9, to renumber Section 57.7, to amend and renumber Section 57.5, and to amend the title and Sections 1, 3, 13, 53, 54, 56.6, 57, 67, 86, 92, and 100 of the Unemployment Insurance Act, and to add Sections 57.2, 57.3, 59, 84, and 103 thereto.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 462—An act to add Section 12500.5 to, and to amend Sections 12500 and 12501 of, the Business and Professions Code, relating to weighing and measuring instruments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 20, of the printed bill, as amended in Senate May 17, 1949, strike out “, designs, or models”, and insert “or designs”.

Amendment No. 2

On page 1, line 23, of said bill, as amended, strike out “, designs, or models”, and insert “or designs”.

Amendment No. 3

On page 2, line 3, of said bill, as amended, strike out “, design, or model”, and insert “or design”.

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1186—An act to amend Section 2550 of the Business and Professions Code, relating to dispensing opticians.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

In lines 9 and 10 of the printed bill, strike out “or otherwise following the direction of prescription so issued.”.

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 960—An act to amend Section 2496 of the Business and Professions Code, relating to fees of Board of Osteopathic Examiners.

Bill read second time, ordered engrossed, and to third reading.

Senate Resolution No. 104—Relative to purchasing Attorney General's Opinions.

Resolution read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 15, of the printed resolution, strike out the "semicolon and be it further", and insert a period.

Amendment No. 2

On page 1 of said resolution, strike out lines 16 to 23, inclusive.

Amendments read, and adopted.

Resolution ordered amended, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2480—An act to amend Section 3212.5 of the Labor Code, relating to workmen's compensation benefits for members of police departments and the State Highway Patrol.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Labor:

Amendment No. 1

On page 1 of the printed bill as amended in the Assembly on May 2, 1949, strike out lines 20 and 21, and insert "manifesting itself. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the commission is bound to find in accordance with it."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 82—An act to amend Section 252 of the Unemployment Insurance Act, relating to unemployment compensation disability insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 384—An act amending Section 58 of the Unemployment Insurance Act, relating to disqualification for benefits.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 2, line 23, of the printed bill, as amended in Senate May 12, 1949, strike out "conviction", and insert "offense".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1870—An act to amend Sections 3466a and 3480 of the Political Code, relating to reclamation districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 1

On page 1 of the printed bill as amended in Senate May 12, 1949, strike out all of lines 5 to 25, inclusive; on page 2 of said bill, strike out all of lines 1 to 51, inclusive; and on page 3 of said bill, strike out all of lines 1 to 42, inclusive, and insert

"3466a. After the lapse of one year from and after the expiration of the period of redemption of any land sold to the district, or county treasurer as trustee for the district, either pursuant to the provisions of Sections 3466, 3480 or Section 3480a of this code, the county treasurer of the main county, when [and as] directed by the board of trustees of the district [as herein provided, may in their discretion then] shall sell the whole or any part of any tract of land remaining unsold to the highest bidder for cash at the front door of the courthouse of the main county of the district after giving previous notice of such sale, and the time and place of holding the same, by publication thereof in some newspaper published in the county in which the land to be sold or some portion thereof is situated for two times, to wit: once a week for two successive weeks. It shall be sufficient to describe said land in said notice by reference number as set forth in the assessment lists to which reference shall be made in said notice, and to the date and time of filing same, for further particulars. *One or more parcels of such land may be included in the same notice and sold severally at the time and place set forth in said notice.*

Such land shall be offered for sale within three years from and after the expiration period of redemption thereof, or within two years from and after the effective date of this amendment, whichever period is greater, in parcels of 160 acres or such lesser number of acres as the board of trustees may determine will be most desirable for purposes of assuring the sale thereof.

Prior to the sale of any parcel, the county treasurer of the main county shall cause its fair market value to be ascertained by means of an appraisal made by a board of appraisement consisting of:

(a) One member who is an officer or an authorized appraiser of a banking corporation formed under the laws of this State, or by the manager of a branch bank of such banking corporation, or an officer or cashier of a national banking association, having a place of business in the county in which the parcel or some portion thereof is situated. If there is no such banking corporation or national banking association having a place of business in the county in which the parcel or some portion thereof is situated, one member shall be an officer or an authorized appraiser, or the manager of a branch bank of such a banking corporation, or an officer or cashier of a national banking association, having a place of business in a county adjacent thereto.

(b) One member who is an inheritance tax appraiser of the county in which the parcel is located.

(c) One member, a disinterested person, who is a licensed real estate broker, selected by the two other members of the board.

In the event that all of the members of the board of appraisement cannot agree as to the fair market value of the parcel, (a) if two of the members of the board agree as to the fair market value, the amount so agreed upon shall constitute the board's appraisal, or, (b) if no two members of the board agree as to the fair market value, then each member of the board shall make a separate appraisal and the average of the three appraisals shall constitute the board's appraisal.

Each appraisal shall be verified by the members of the board of appraisement. The verification shall state that the appraisal is made in good faith, and that the valuation is honestly determined and represents the bona fide opinion of the board. If any member of the board of appraisement does not concur in the appraisal, the verification shall contain a statement as to the manner in which the board determined the appraised fair market value.

At the time of the sale of any parcel of such land, the county treasurer of the main county shall announce the fair market value of the parcel, as appraised, and shall not accept any bid therefor less than such fair market value.

In the event that any parcel of such land remains unsold for want of an acceptable bid, the county treasurer shall have the parcel reappraised and offer it for sale to the highest bidder for cash in the manner herein provided, at least once each year until the parcel is sold.

In the event of a sale of a part of any tract of land remaining unsold then the assessment or assessments thereon shall be reapportioned as provided in Sections 3454 and 3460 of the Political Code.

[The trustees of the district shall have the right to reject any and all bids and no bid shall be accepted for an amount less than such price as shall be approved by them. No parcel shall be sold for an amount less than the fair market value thereof as such value shall be ascertained by the board of trustees. One or more parcels of such land may be included in the same notice and sold severally at the time and place set forth in said notice.] Upon such last mentioned sale being made as herein provided the said county treasurer shall execute a deed to the purchaser conveying the land sold, upon payment of the price bid, which deed shall have the effect of conveying title to the land sold to the purchaser free of encumbrance, except district assessments (including the unpaid balance of said assessment for the delinquency of which said property was sold) which upon the date of the sale herein provided had not been called, and except as may be otherwise provided by law, and such deed duly executed and acknowledged shall be prima facie evidence that all the proceedings for the levy and collection of the delinquent assessment for which said land was sold, and all of the proceedings for the sale of said land have been duly and regularly taken, and all notices required to be given or published have been so duly given and published for the time and manner as required by law.

Where any land has been sold for a delinquent assessment, pursuant to the provisions of Sections 3466, 3480 or 3480a of the Political Code for a delinquent assessment or installment of the same and no redemption has been made and the time for redemption has expired, *and until the sale thereof*, the district shall have the right to the possession of the land so sold and unredeemed and the board of trustees shall have the right to bring and maintain any and all actions in equity or law in connection with said land and the protection of the district's rights therein to the same extent as any other owner; and the costs and expenses of such action or actions shall be a charge against the district. The board of trustees shall also have the right to expend funds of the district in such amounts that may from time to time be necessary for the purpose of retiring any and all liens against such land superior to the title of the county treasurer therein.

The trustees of the district shall have the management and control of, and the right to lease out to a tenant or tenants for such reasonable rental and upon such terms as such trustees may deem advisable, any and all lands in the district which have been sold to the county treasurer, as trustee, for delinquent assessments, where the time for redemption has expired and said lands remain unsold and to receive and collect the rental for the same.

All rentals collected or moneys received by the trustees of the district from such lease of land or for the use or occupation of such land may be applied by them to the payment of the incidental expenses of holding and leasing said lands and to the payment of any other incidental expenses of, or legal charge against the district or for the purpose of purchasing any outstanding bonds of the district matured or unmatured together with the coupons thereunto appertaining at not more than the face value of such bonds plus the accrued interest thereon; which said bonds and or coupons when so purchased shall be forthwith delivered to the county treasurer and canceled, and to the payment of any call of any maintenance assessment on any tract of land theretofore bought in by county treasurer as trustee of the district for a delinquent installment of any assessment theretofore levied on any such tract of land and then remaining unsold by said county treasurer; provided, however, that after the period of redemption has expired all rentals collected or moneys received from lease of land sold to the county treasurer as trustee of the district pursuant to the provisions of Section 3480 or 3480a of this code or for the use or occupation of such land, less the incidental expenses of leasing or holding the same and less the amount required to pay any called or delinquent installment of any maintenance assessment on any tract of land which has been theretofore bought in by the said county treasurer for the payment of any delinquent installment of any assessment theretofore levied on any such tract of land, and then remaining unsold by such county treasurer, shall, in the event said district shall be in default for interest or principal payments on any of said bonds issued by said district, be deposited in said county treasury of the main county, to the credit of the bond fund of the district. An amount equal to the revenues derived from each tract by reason of the leasing, use or occupation thereof, less the incidental expenses of leasing and holding same, shall be credited by the county treasurer on the assessment lists against the delinquent charges on said tract.

The provisions hereof shall apply to all lands heretofore sold for delinquency to a district or to the county treasurer, as trustee as well as to future sales under assessments whether heretofore, or hereafter to be, levied."

Amendment No. 2

On page 3 of said bill, strike out lines 44 to 52, inclusive.

Amendment No. 3

On page 16 of said bill, following line 18, insert

"SEC. 3. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it will have passed this act, and each section, subsection, sentence, clause or phrase thereof, irrespective

of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Assembly Bill No. 2388—An act to amend Sections 69, 73, and 74 of the Civil Code, relating to documents required in connection with marriage.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Assembly April 13, 1949, after "Code", insert "and to amend Section 10526 of the Health and Safety Code".

Amendment No. 2

On page 1, line 8, of said bill, strike out "; and", and insert a period.

Amendment No. 3

On page 1 of said bill, strike out line 9.

Amendment No. 4

On page 2, lines 10 and 11, of said bill, strike out "certificate of marriage", and insert "statement".

Amendment No. 5

On page 2 of said bill, strike out lines 19 and 20, and insert "The marriage license, thus endorsed, shall be returned to the county recorder of the county in which the license was issued within thirty days after the ceremony."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 6

On page 2 of said bill, strike out lines 22 to 25, inclusive, and insert "74. The person solemnizing a marriage must, at the request of, and for either party, issue a marriage certificate showing the facts specified in Section 73.

SEC. 4. Section 10526 of the Health and Safety Code is amended to read: 10526. The form of the certificate shall be prescribed by the State Registrar and shall contain among other matters as near as can be ascertained:

(a) The place and date of marriage.

(b) The race, color, age, name and surname, birthplace and residence of the parties married.

(c) The number of marriages and condition of each party, whether single, widowed or divorced.

[(d) The occupation of the parties.]

[(e)] (d) The maiden name of the female, if previously married.

[(f)] (e) The names and birthplaces of the parents of each, and the maiden name of the mother of each.

[(g)] (f) The county where issued, date issued, and number of the marriage license.

[(h)] (g) The certification of the person performing the ceremony, which shall show his official position including the denomination if he is a priest or minister.

[(i)] (h) The signature and address of one witness to the marriage ceremony."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Assembly Bill No. 1822—An act prescribing the regulation, government, procedure and jurisdiction of municipal and justice courts, and providing for the election and appointment of the judges, officers

and attaches of such courts, their terms of office, qualifications and compensation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 43, of the printed bill, as amended in Assembly April 19, 1949, after "vide," insert "that when a constable who has been elected becomes a marshal, he shall continue in office until his successor is elected and qualifies, and in such cases the marshal shall be elected by the electors of the judicial district at the general state election for a term of six years from and including the first Monday in January after the first day of January next succeeding his election; provided, however, that the first election of marshals under this act shall take place at the general State election held in the year 1954; provided, further,".

Amendment No. 2

On page 5 of said bill, strike out lines 50 to 52, inclusive, and insert "SEC. 13. The judges of a municipal court and the judges, officers, and attaches of a justice court shall be electors of the judicial district or city and county in which they are elected or appointed."

Amendment No. 3

On page 9 of said bill, between lines 39 and 40, insert "The provisions of the Municipal Court Act of 1925 relative to the obligations of counties and cities in connection with the cost of maintaining and operating municipal courts and relative to the disposition of fines and forfeitures collected therein shall not apply to municipal courts from and after January 1, 1952."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Assembly Bill No. 704—An act to amend Section 1570 of the Probate Code, relating to the appointment of guardians for minors and insane or incompetent persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1630—An act to amend Sections 1187 and 1190 of the Code of Civil Procedure, relating to liens of mechanics and others upon real property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 450—An act to amend Sections 21200 and 21201 of, and to add Section 21202 to the Corporations Code, relating to the property of certain unincorporated associations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 778—An act to amend Section 203 of the Code of Civil Procedure, relating to the selection of jurors in municipal courts and in police courts in cities of the second class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 781—An act to amend Section 690.24 of the Code of Civil Procedure, relating to the value of motor vehicle and house trailer exempt from execution.

Bill read second time, and ordered to third reading.

Assembly Bill No. 419—An act to amend Section 638 of the Welfare and Institutions Code, relating to the duties of probation officers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 420—An act to amend Section 721 of the Welfare and Institutions Code, relating to the duties of probation officers.
Bill read second time, and ordered to third reading.

Assembly Bill No. 1643—An act to amend Section 26524 of the Government Code, relating to duties of district attorney.
Bill read second time, and ordered to third reading.

Assembly Bill No. 1863—An act to amend Sections 750 and 752 of the Vehicle Code, permitting members of the California Highway Patrol to make certain arrests of Division 9 while not in full uniform.
Bill read second time, and ordered to third reading.

Assembly Bill No. 2247—An act to amend Section 2924c of the Civil Code, relating to reinstatement of deeds of trust and mortgages, and attorneys fees in connection therewith.
Bill read second time, and ordered to third reading.

Assembly Bill No. 2248—An act to amend Section 925 of the Probate Code, relating to vouchers.
Bill read second time, and ordered to third reading.

Assembly Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Sections 1, 11, and 23 and repealing Sections 11a and 13 of Article VI thereof, relating to inferior courts.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed measure, as amended in Assembly April 29, 1949, strike out lines 22 and 23, and insert "there shall be a municipal court; in each district containing a population of forty thousand inhabitants or less, as ascertained in the manner prescribed by the Legislature, there shall be a justice court, except that the Legislature may provide that each incorporated city the boundaries of which were co-extensive with those of the township two years before the effective date of this amendment and which is entirely surrounded by another incorporated city containing a population of more than forty thousand inhabitants shall constitute a judicial district in which there shall be a municipal court. For each".

Amendment No. 2

On page 3, line 4, of said measure, after "capacity", insert "by election or appointment".

Amendment No. 3

On page 3 of said measure, strike out line 10, and insert "reelected. The requirement of consecutive years of judicial service shall be deemed to have been met even though interrupted by service in the armed forces of the United States during the period of war."

Amendments read, and adopted.

Resolution ordered printed, and to third reading.

Assembly Bill No. 256—An act to amend Section 3047, 3048, and 3051 of the Business and Professions Code, relating to professional courses in optometry.

Bill read second time, and ordered to third reading.

Assembly Bill No. 588—An act to amend Section 6511 of the Business and Professions Code, relating to barbers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 681—An act to add Section 6562 to the Business and Professions Code, relating to the practice of barbering.

Bill read second time, and ordered to third reading.

Assembly Bill No. 718—An act to amend Sections 7372 and 7396 of the Business and Professions Code, relating to the practice of cosmetology.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1318—An act to amend Section 4162 of the Business and Professions Code, relating to hypodermic syringes and needles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2150—An act to amend Section 7726 of the Business and Professions Code, relating to licenses of funeral directors and embalmers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2744—An act to amend Section 6627 of the Business and Professions Code, relating to barbers.

Bill read second time, and ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for, and was granted, unanimous consent to take up Assembly Bill No. 90, at this time, for consideration of committee amendments.

CONSIDERATION OF ASSEMBLY BILL NO. 90

Assembly Bill No. 90—An act to add Sections 19564, 19565, and 19566 to the Business and Professions Code, relating to horse racing, providing for Quarter Horse races during horse racing meetings.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, lines 5 and 6, of the printed bill, strike out "or other licensee."

Amendment No. 2

On page 1, line 11, of said bill, after "races", insert ", and provided further, any licensee conducting a program of horse races on which there is pari-mutuel wagering may provide a program of quarter horse racing on the same days that it provides a program of other horse races, if sufficient quarter horses are available to provide competition in one or more quarter horse races; and provided further, that such quarter horse events may be in addition to the customary number of thoroughbred or standard-bred events."

Amendment No. 3

On page 1, line 25, of said bill, after the words "straightaway races," insert "if available."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Constitutional Amendment No. 35: By Senator Coombs—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article IV thereof, relating to general sessions of the Legislature.

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 479—An act to add Section 3.1 to the San Bernardino County Flood Control Act, relating to the creation of special zones.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried. Time 10.20 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

RESOLUTIONS

The following resolution was offered:

By Senator Kraft:

Senate Resolution No. 105

Relative to augmenting the funds of the Senate Committee on Employment Stabilization

Resolved by the Senate of the State of California, That, in addition to any money heretofore made available, the sum of seven thousand five hundred dollars (\$7,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the Senate Committee on Employment Stabilization (created by Senate Resolution No. 20, 1949 Regular Session) and its members and for any charges, expenses, or claims incurred by it under said resolution, during the period for which it was created (until the last legislative day of the 1949 session), to be paid from the Contingent Fund of the Senate and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

Chief Assistant Secretary Cleve V. Taylor at the Desk

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 10.35 a.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 479 passed by the following vote:

AYES—Senators Busch, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Keating, Kraft, Rich, Salsman, Sutton, Swing, Watson, Weybret, and Williams—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Call of the Senate

Senator Kraft moved a call of the Senate.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

REQUEST FOR UNANIMOUS CONSENT

Senator Desmond asked for, and was granted, unanimous consent to have Assembly Bill No. 1873 passed on file and retain its place on file until the next legislative day.

Assembly Bill No. 1723 An act to add Section 16302.1 to the Government Code, relating to the disposition of amounts less than two dollars (\$2) paid to state agencies and determined to constitute over-payments of taxes, penalties, interest, license or other fees, or other revenues due the State of California.

Bill read third time, and presented by Senator Sutton.

The roll was called, and the bill passed by the following vote:

AYES—Senators Busch, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Jespersen, Johnson, Keating, Kraft, Rich, Salsman, Sutton, Swing, Watson, Weybret, and Williams—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Keating Presiding

At 10.45 a.m., Senator Thomas F. Keating, of the Thirteenth District, presiding.

Assembly Bill No. 3103—An act to amend Section 810.5 of the Agricultural Code, relating to asparagus.

Bill read third time, and presented by Senator Crittenden.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Keating, Kraft, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1651—An act to repeal the act known as Chapter 807, Statutes of 1937, entitled "An act to regulate the distribution of moneys received from the United States Government under the provisions of the act of Congress of June 28, 1934, known as the Taylor Grazing Act and any act amendatory thereof."

Bill read third time, and presented by Senator Johnson.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Keating, Kraft, Rich, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1568—An act to amend Sections 1261, 1262, 1263, 1265, and 1266 of the Agricultural Code, relating to produce dealers.

Bill read third time, and presented by Senator Sutton.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Jespersen, Johnson, Keating, Kraft, McBride, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2249—An act to amend Section 1272 of the Agricultural Code, relating to report of sale by commission merchant, remittances, retention of records, payment by dealer, claims or credits.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1565—An act to amend Section 360.5 of the Agricultural Code, relating to penalties for delinquencies in obtaining slaughterer's license.

Bill read third time, and presented by Senator Sutton.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Cunningham, Dilworth, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1567—An act to amend Sections 339.1, 339.3, and 339.4 of the Agricultural Code, relating to brand fees.

Bill read third time, and presented by Senator Sutton.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Rich, Salsman, Sutton, Swing, Tenney, Watson, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2193—An act to amend Section 6 of an act entitled "An act to authorize the Department of Finance to acquire surplus housing facilities for resale to farmers, making an appropriation therefor and declaring the urgency thereof, to take effect immediately," approved July 10, 1947 (Chapter 1352, Statutes of 1947), relating to the expiration date thereof.

Bill read third time, and presented by Senator Sutton.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulise, Johnson, Keating, Kraft, McBride, Rich, Salsman, Sutton, Swing, Tenney, Ward, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2968—An act to amend Sections 380.54 and 380.55 of the Agricultural Code, relating to the slaughter and inspection of horses and burros.

Bill read third time, and presented by Senator Sutton.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulise, Jespersen, Keating, Kraft, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 267—An act to amend Sections 944 and 945 of the Military and Veterans Code, relating to the burial of veterans and veterans' widows.

Bill read third time, and presented to Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulise, Jespersen, Keating, Kraft, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Secretary J. A. Beek at the Desk

Assembly Bill No. 1364—An act making an appropriation in augmentation of the appropriation in Item 341 of the Budget Act of 1948, for educational assistance to veterans, Department of Veterans' Affairs, to take effect immediately.

Bill read third time, and presented by Senator Rich.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1364.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, April 29, 1949

To the Honorable Members of the Senate
Sacramento, California

GENTLEMEN:

Assembly Bill No. 1364, "An act making an appropriation in augmentation of the appropriation in Item 341 of the Budget Act of 1948, for educational assistance to veterans, Department of Veterans' Affairs, to take effect immediately."

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

This bill provides an additional appropriation for educational assistance to veterans for the balance of the present fiscal year. This matter is one of urgency because as of March 31, 1949, the available funds for educational assistance to veterans are

over-encumbered to the extent of \$194,690. Additional requests by veterans for educational assistance for the Spring semester are still being received. In order to pay these claims it is necessary that this measure be passed by the Legislature before enactment of the Budget Bill.

I therefore recommend consideration of Assembly Bill No. 1364 as an emergency measure.

Respectfully submitted,

EARL WARREN, Governor

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1466—An act to repeal Chapters 952 and 953 of the Statutes of 1939, relating to the regulation of loans and lenders.

Bill read third time.

Motion to Amend

Senator McBride moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 9 and 10, of the printed bill, as amended in Senate May 12, 1949, strike out "ever construed as having", and insert "finally determined by the courts to have".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 873—An act to amend Sections 651, 659, 660, 663, 666.5, and 667 of the Fish and Game Code, relating to salmon.

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, May 20, 1949

To the Senate of the State of California:

I have the honor to inform you that I propose to make the following appointment, and respectfully request your confirmation thereof and consent thereto:

B. J. FEIGENBAUM, a resident of San Francisco; a member of the Board of State Harbor Commissioners for San Francisco Harbor since November 9, 1948;

to the State Board of Harbor Commissioners for San Francisco Harbor, vice self, for the term prescribed by law, ending May 1, 1953.

Respectfully,

EARL WARREN, Governor

Message read, and referred to Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 935—An act to amend Section 407 of the Fish and Game Code, relating to licenses.

Bill read third time, and presented by Senator Watson.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 938—An act to amend Section 430 of the Fish and Game Code, relating to fishing licenses.

Bill read third time, and presented by Senator Watson.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1268—An act to amend Section 1106 of the Fish and Game Code, relating to registration of boats.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Keating, Kraft, McBride, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Salsman Presiding

At 11.25 a.m., Senator Byrl R. Salsman, Vice Chairman of the Committee on Rules of the Senate, presiding.

Assembly Bill No. 1296—An act to add Section 622.5 to the Fish and Game Code, relating to taking fish for use as bait.

Bill read third time, and presented by Senator Watson.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Assembly Bill No. 1497—An act to add Section 171 to the Fish and Game Code, relating to game refuges.

Bill read third time, and presented by Senator Watson.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Kraft, McBride, Miller, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 247—An act to amend Section 28121 of the Government Code, relating to compensation for public services in counties of the twenty-first class.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 250—An act to amend Section 31526 of the Government Code, relating to retirement of county employees, declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Cunningham.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Breed:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 20, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 11 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District Number 1 of Sutter County," approved March 20, 1874, relating to the compensation and powers of officers of said districts.

Respectfully submitted,

SENATOR BREED

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 20, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SALSMAN, Vice Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 1634: By Senator Breed—An act to amend Section 11 of an act entitled "An act to define the boundary, provide for the care, strengthening and repairing of levees, and the payment of the indebtedness of Levee District Number 1 of Sutter County," approved March 20, 1874, relating to the compensation and powers of officers of said district.

Referred to Committee on Local Government.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill No. 1634—An act to amend Section 26743 of the Government Code, relating to sheriffs' fees.

Bill read third time.

Motion to Amend

Senator Tenney moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "Subpenaing Witnesses."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 221—An act to add Section 1066.7 to the Agricultural Code, relating to herbicides injurious to crops, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 246—An act to add Section 25643 to the Government Code, relating to the powers of boards of supervisors of each county to give fire protection.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Kraft, McBride, Miller, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 378—An act to add Sections 14444.1, 14450.6, 14480.6, 14480.7, 14480.8, and 14525.1 to, and to amend Sections 14406, 14450.5, 14451, and 14510 of, the Health and Safety Code, relating to county fire protection districts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, Miller, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1788—An act to amend Section 861 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and to amend Section 36934 of, and to add Section 36936.1 to, the Government Code, relating to cities and towns of the sixth class.

Bill read third time, and presented by Senator Rich.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Burns, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2982—An act to add Article 14, comprising Sections 14598 to 14598.5, inclusive, to Chapter 2 of Part 3 of Division 12 of the Health and Safety Code, relating to the powers of the governing board of a county fire protection district.

Bill read third time, and presented by Senator Dorsey.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Kraft, McBride, Miller, Rich, Salsman, Swing, Tenney, Ward, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2858—An act to add Section 1509.7 to the Elections Code, relating to measures submitted to the voters.

Motion to Re-refer Assembly Bill No. 2858

Senator Rich moved that Assembly Bill No. 2858 be re-referred to Committee on Elections.

Motion carried.

Assembly Bill No. 427—An act to add Section 641.1 to the Welfare and Institutions Code, relating to the powers and duties of probation officers.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Johnson, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 771—An act to amend Section 2300 of the Welfare and Institutions Code, relating to institutions and boarding homes for aged persons.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1270—An act to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved by electors November 7, 1922, by adding Section 8.1 thereto, relating to the rights of blind person in respect to the study and practice of chiropractic, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution.

Bill read third time, and presented by Senator Gibson.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Kraft,

McBride, Miller, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 323—An act to amend Section 41.5 of the Unemployment Insurance Act, relating to transfer of employers' reserve accounts.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Kraft, McBride, Miller, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2632—An act to add Sections 141 and 141.5 to the Welfare and Institutions Code, relating to warrants issued by the State Controller for old age security and security for the blind, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Tenney.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 970—An act to add Sections 4874, 4901.1, 4901.2, 4901.3, 4901.4, 4901.5, 4901.6, 4902.05, 4902.06, 4902.07, 4902.1, 4902.2, 4902.4, 4905, 4905.1, 4906, 4907, 4908, 4909, 4910, 4911.1, 4912.1, 4915.1, 4917.1, 4931.1, 4954, and 4965.1 to the Education Code; to amend Sections 4873, 4885, 4886, 4887, 4901, 4902, 4903, 4904, 4911, 4912, 4914, 4915, 4917, 4918, 4919, 4919.1, 4920, 4931, 4932, 4941, 4942, 4943, 4946, 4962, 4963, and 4964 of said code; to amend and renumber Sections 4902.1, 4912.1, 4915.1, and 4917.1 of said code; to amend the headings of Articles 2, 4, and 5 of Chapter 16 of Division 2 of said code; to repeal Sections 4881, 4882, 4883, 4884, 4886, and 4887 of said code; and to repeal Article 3 of Chapter 16 of Division 2 of said code, all relating to the reorganization of school districts.

Bill read third time.

Motion to Amend

Senator Dilworth moved the adoption of the following amendment:

Amendment No. 1

On page 6, line 15, of the printed bill as amended in Senate May 16, 1949, after the period insert "This section does not supersede or modify the provisions of Sections 4941.1 and 4941.2 added by Chapter 212 of the Statutes of 1949."

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 808—An act to add Part 2, comprising Sections 23001 to 26481a, inclusive, to Division 2 of, and to add Sections 50016 and 50017 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Bank and Corporation Franchise Tax Act and the Corporation Income Tax Act, and repealing acts and parts of acts specified herein.

Bill read third time, and presented by Senator Hulse.

The roll was called, and the bill passed by the following:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2501—An act to amend Section 13368 of the Health and Safety Code, relating to the construction of the roof of a hazardous building of a clothes cleaning establishment.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Swing, Tenney, Ward, Watson, and Williams—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 95—An act to amend Section 5026 of and to add Section 5135 to the Streets and Highways Code, relating to the adoption and change of street names and the purchase and assignment of warrants, assessments, and bonds issued under the Improvement Act of 1911.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 244—An act to amend Section 459 and 459.4 of the Vehicle Code, relating to the adoption of local ordinances affecting traffic on state highways.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2431—An act to amend Section 315 of the Municipal Utility District Act, relating to nomination papers.

Bill read third time, and presented by Senator Miller.

The roll was called, and the bill passed by following vote:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 471—An act to amend Section 6029 of the Penal Code and to repeal an act entitled "An act to provide for the approval of plans for the construction or alteration of county jails by the Immigration and Housing Commission," approved April 16, 1925, relating to plans and specifications for jails, prisons, and other detention facilities, and to the powers and duties of the Board of Corrections and other state agencies in respect thereto."

Bill read third time, and presented by Senator Hatfield.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 89—An act to amend Section 533 of the Vehicle Code, relating to school busses and the regulation of traffic in connection therewith.

Bill read third time, and presented by Senator Dorsey.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 93—An act to amend Section 2930 of the Streets and Highways Code, relating to the withdrawal of protests.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 94—An act to amend Sections 5221 and 5222 of the Streets and Highways Code, relating to the withdrawal of protests and the time within which proceedings may be reinstituted after majority protest.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1109—An act to repeal Sections 713, 731, 732, and 733.5 of, and to add Sections 713, 714, 714.5 to, and to amend Sections 715, 716, and 717 of the Fish and Game Code, relating to marine fish.

Bill read third time, and presented by Senator Kraft.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1360—An act to amend Section 25461 of the Government Code, relating to the powers and duties of boards of supervisors.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2742—An act to add Section 1185 to the Fish and Game Code, relating to birds.

Bill read third time, and presented by Senator Drobish.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Kraft, Miller, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—25.

NOES—Senators Desmond, McBride, and Ward—3.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 80—Relative to approving amendments to the charter of the City of Santa Monica, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twelfth day of April, 1949.

Resolution read, and presented by Senator Tenney.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Drobash, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybriet, and Williams—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 1d to Article IV thereof, relating to measures submitted to the voters.

Resolution read, and presented by Senator Desmond.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Dorsey, Drobash, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Salsman, Swing, Tenney, Ward, Watson, Weybriet, and Williams—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 12:52 p.m., on motion of Senator Jespersen, further proceedings under the call of the Senate were dispensed with.

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 130—An act to add Section 8275 to the Education Code, relating to the teaching of un-American systems of government upon state school property.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill as amended in Senate on May 16, 1949, strike out "state school property", and insert "any property belonging to any agencies included in the Public School System".

Amendment No. 2

On page 1 of said bill, strike out lines 3 to 8, inclusive, and insert "8275. No teacher giving instruction in any school, or on any property belonging to any agencies included in the Public School System, shall advocate or teach Communism, Nazism, or Fascism with the intent to indoctrinate any pupil with, or inculcate a preference in the mind of any pupil for, Communism, Nazism, or Fascism. The Legislature in prohibiting the advocacy or teaching of Communism, Nazism, or Fascism with the intent to indoctrinate any pupil with or inculcate a preference in the mind of any pupil for, such doctrines does not intend to prevent the teaching of the facts of any of the above subjects but intends to prevent the advocacy of, and inculcation and indoctrination into Communism, Fascism, or Nazism, as is hereinafter defined, for the purpose of undermining the patriotism for,

and the belief in, the Government of the United States and of this State in the minds of the pupils in the Public School System.

For the purposes of this section, Communism is a political theory that the presently existing form of Government of the United States or of this State should be changed, by force, violence, or other unconstitutional means, to a totalitarian dictatorship which is based on the principles of Communism as expounded by Marx, Lenin and Stalin.

For the purposes of this section, Fascism is a political theory of the absolute sovereignty of the state which is organized in the corporate form and of the duty of citizens to render blind obedience to its commands under the leadership of an elite; wherein the state controls all the affairs of the nation, including the industrial, commercial and personal affairs of its citizens and in particular as was created in Italy and copied in Germany.

For the purposes of this section, Nazism is a political theory that embodies the doctrines of Fascism as above defined and that embodies a belief in a master race to the ultimate enslavement of all other peoples of the world."

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**MOTION TO REQUEST THE ASSEMBLY TO RETURN
ASSEMBLY BILL NO. 625**

Senator Collier moved that the Secretary of the Senate be instructed to request the Assembly to return Assembly Bill No. 625 to the Senate for further consideration.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Hatfield moved that Assembly Bill No. 467 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO RE-REFER SENATE BILL NO. 24

Senator Hatfield moved that Senate Bill No. 24 be re-referred to the Committee on Rules.

Motion carried.

MOTION TO RE-REFER ASSEMBLY BILL NO. 547

Senator Hatfield moved that Assembly Bill No. 547 be re-referred to the Committee on Governmental Efficiency.

Motion carried.

**MOTION TO WITHDRAW SENATE BILLS NOS. 558 AND 699
FROM ENGROSSMENT AND ENROLLMENT**

Senator Collier moved that Senate Bills Nos. 558 and 699 be withdrawn from engrossment and enrollment for further consideration.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1458

Senator Rich moved that Senate Bill No. 1458 be withdrawn from Committee on Revenue and Taxation for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1458 An act to amend Section 4a of the Bank and Corporation Franchise Tax Act, relating to the levy and collection of taxes upon banks, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 4, inclusive, and insert "An act to add Section 4b to the Bank and Corporation Franchise Tax Act and to add Section 23186c to the Revenue and Taxation Code, relating to the taxation of national banking associations and other banks and financial corporations."

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 26, inclusive; and on page 2 of said bill, strike out lines 1 to 31, inclusive, and insert

"SECTION 1. Section 4b is added to the Bank and Corporation Franchise Tax Act, to read:

4b. The rate of tax for each taxable year on national banking associations and other banks and financial corporations heretofore determined by the Franchise Tax Commissioner in pursuance of Section 4a of the Bank and Corporation Franchise Tax Act is hereby confirmed, ratified, validated and declared legally effective as follows:

Taxable year	Rate	Taxable year	Rate
1933 ----- 6	percentum	1941 ----- 8	percentum
1934 ----- 6	percentum	1942 ----- 7.89	percentum
1935 ----- 8	percentum	1943 ----- 6.90	percentum
1936 ----- 8	percentum	1944 ----- 6.193	percentum
1937 ----- 8	percentum	1945 ----- 5.9955	percentum
1938 ----- 8	percentum	1946 ----- 6.50	percentum
1939 ----- 8	percentum	1947 ----- 6.294	percentum
1940 ----- 8	percentum	1948 ----- 6.424	percentum

This validation shall not be effective, however, with respect to any portion of the rate of tax for each taxable year on national banking associations and other banks and financial corporations in excess of that permitted by the Constitution or laws of the United States or by the Constitution of this State.

SEC. 2. Section 23186c is added to the Revenue and Taxation Code, to read: 23186c. The rate of tax for each taxable year on national banking associations and other banks and financial corporations heretofore determined by the Franchise Tax Commissioner in pursuance of Section 4a of the Bank and Corporation Franchise Tax Act is hereby confirmed, ratified, validated and declared legally effective as follows:

Taxable year	Rate	Taxable year	Rate
1933 ----- 6	percentum	1941 ----- 8	percentum
1934 ----- 6	percentum	1942 ----- 7.89	percentum
1935 ----- 8	percentum	1943 ----- 6.90	percentum
1936 ----- 8	percentum	1944 ----- 6.193	percentum
1937 ----- 8	percentum	1945 ----- 5.9955	percentum
1938 ----- 8	percentum	1946 ----- 6.50	percentum
1939 ----- 8	percentum	1947 ----- 6.294	percentum
1940 ----- 8	percentum	1948 ----- 6.424	percentum

This validation shall not be effective, however, with respect to any portion of the rate of tax for each taxable year on national banking associations and other banks and financial corporations in excess of that permitted by the Constitution or laws of the United States or by the Constitution of this State.

SEC. 3. Section 2 of this act becomes operative only if Part 11 of Division 2 of the Revenue and Taxation Code is enacted by the Legislature at its 1949 Regular Session, and in such case at the same time as said Part 11 of Division 2 takes effect; at which time Section 4b of the Bank and Corporation Franchise Tax Act is repealed."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1222

Senator Drobish moved that Senate Bill No. 1222 be withdrawn from Committee on Agriculture for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1222—An act to add Section 873 to the Agricultural Code, relating to canned fruit and vegetables.

Bill read second time.

Motion to Amend

Senator Drobish moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "and Baroni", and insert "Barouni, Augustino and Obliza."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

LETTER OF TRANSMITTAL

CALIFORNIA LEGISLATURE, SENATE

May 18, 1949

To the President of the Senate

The Speaker of the Assembly

and to the Members of the Senate and Assembly

The Joint Legislative Committee on Agricultural and Livestock Problems created by Senate Concurrent Resolution No. 54, Statutes of 1947, page 3750, and by Senate Concurrent Resolution No. 8, Statutes of 1948, Chapter 62, and by Senate Concurrent Resolution No. 15, Statutes of 1949, Chapter 35, submits the following partial report.

This report was made in compliance with the resolution of the Ways and Means Committee of the Assembly in considering the appropriation bill for the Budget of 1948 which followed from a recommendation of the Legislative Auditor that a legislative investigation be made of the State Nursery to determine whether it was operated in compliance with the law or to the best advantage of the State; and if not, it should either be made to comply or be abolished.

The report made in compliance with this recommendation is respectfully submitted.

GEORGE J. HATFIELD, Chairman

BEN HULSE

BRADFORD S. CRITTENDEN

FRED WEYBRET

EARL D. DESMOND

THOMAS M. ERWIN

GEORGE A. CLARKE

GEORGE BUTTERS

VERN W. HOFFMAN

S. L. HEISINGER

Letter of Transmittal ordered printed in the Journal and the partial report ordered printed in the Appendix to the Journal.

Motion to Print Additional Copies

Senator Hatfield moved that 100 additional copies of the partial report of the Joint Legislative Committee on Agricultural and Livestock Problems be printed for distribution.

Motion carried.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

STATE OF CALIFORNIA
DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS
DIVISION OF ADMINISTRATIVE PROCEDURE
SACRAMENTO 14, CALIFORNIA, May 20, 1949

*Mr. Joseph A. Beek, Secretary
California State Senate
State Capitol, Sacramento, California*

DEAR MR. BEEK: Under separate cover we are furnishing you with copies of the Biennial Report of the Division of Administrative Procedure. This report is submitted to the Governor and to the Legislature pursuant to the provisions of Business and Professions Code, Section 110.6.

Yours truly,

RALPH N. KLEPS
Chief, Division of Administrative Procedure

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 18, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 321	Assembly Bill No. 1804
Assembly Bill No. 643	Assembly Bill No. 1904
Assembly Bill No. 859	Assembly Bill No. 1934
Assembly Bill No. 898	Assembly Bill No. 1955
Assembly Bill No. 1068	Assembly Bill No. 2034
Assembly Bill No. 1113	Assembly Bill No. 2059
Assembly Bill No. 1227	Assembly Bill No. 2156
Assembly Bill No. 1312	Assembly Bill No. 2307
Assembly Bill No. 1448	Assembly Bill No. 2439
Assembly Bill No. 1482	Assembly Bill No. 2765
Assembly Bill No. 1685	Assembly Bill No. 2947

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 321—An act to add Sections 9413 and 9414 to the Government Code, relating to contempts before legislative committees.

Referred to Committee on Judiciary.

Assembly Bill No. 643—An act to amend Section 32064 of the Government Code, relating to retirement benefits of members of the County Peace Officers' Retirement System.

Referred to Committee on Local Government.

Assembly Bill No. 859—An act to amend Sections 9756, 9760, and 11121 of the Elections Code, relating to elections, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Elections.

Assembly Bill No. 898—An act to amend Section 204 of the Unemployment Insurance Act, dealing with disability insurance.

Referred to Committee on Social Welfare.

Assembly Bill No. 1068—An act to add Section 212 to the Health and Safety Code, and to amend Section 269 of the Vehicle Code, relating to refusal or revocation of operator's or chauffeur's licenses and to the

reporting of cases of neurosyphilis to the State Department of Motor Vehicles.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1113—An act to add Sections 27174, 27175, 27176, 27177 and 27178 to the Streets and Highways Code, relating to bridge and highway districts, and the adoption of traffic regulations by such districts, and the enforcement of such regulations by the California Highway Patrol, and providing penalties.

Referred to Committee on Transportation.

Assembly Bill No. 1227—An act to amend Section 64 of the Alcoholic Beverage Control Act, relating to the possession, consumption, sale, giving and delivery of alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1312—An act to amend Section 204e of the Code of Civil Procedure, relating to jury commissioners and secretaries of the superior court.

Referred to Committee on Judiciary.

Assembly Bill No. 1448—An act to amend Sections 3302, 3303, 3305, 3306, 6501, 6502, 6503, and 6504 of the Corporations Code and to repeal Section 3304 of the Corporations Code, relating to the service of process on corporations.

Referred to Committee on Judiciary.

Assembly Bill No. 1482—An act to add Sections 20607.5 and 21252.4 to the Government Code, relating to the State Employees' Retirement System, and providing for contribution rates by and in respect to local safety members, and for the benefits payable to such members.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1685—An act to amend Section 195 of the Streets and Highways Code, relating to expenditure of gas tax within cities.

Referred to Committee on Transportation.

Assembly Bill No. 1804—An act relating to urban districts, providing for the organization, operation and government of such districts, and defining the powers and duties of the same.

PREAMBLE. In order to facilitate the administration of county governmental functions in county territory and to increase the efficiency and dispatch of county governmental affairs and to provide for more efficient local participation in zoning, sanitation, roads and streets, parks and recreation, flood control, building and alterations, permits, licenses, vital statistics, health, police and fire protection, education and libraries, and other functions under the authority of county boards of supervisors, and in order to set up workable urban districts within the county territories having simple and direct access to and from the county boards of supervisors and the departments of county government.

Referred to Committee on Local Government.

Assembly Bill No. 1904—An act to add Section 20921.1 to the Government Code, relating to contributions in the State Employees' Retirement System for federal service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1934—An act to add Sections 229, 230, 231 to, and Chapter 7 to Division 4 of, the Water Code, relating to investigation of water quality and the reclamation and use of polluted water and to water wells.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1955—An act to add Section 11792 to the Education Code of the State of California, relating to the furnishing of text books to adults.

Referred to Committee on Education.

Assembly Bill No. 2034—An act to add Division 7 to the Water Code, relating to the control of water pollution.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2059—An act to amend Sections 19570, 19571, 19572, 19574, 19575, 19576, 19577, 19578, 19579, 19580, 19581, 19583, 19584, 19585, and 19586; to repeal Sections 19501 and 19577, and to add Sections 19583.1, 19575.5, and 19583.5 of the Government Code, relating to disciplining state employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2156—An act to repeal Articles 2 and 3 of Chapter 6, Part 3, Division 5 of, to add Articles 2 and 3 to Chapter 6, Part 3, Division 5 of, and to amend Sections 4024, 4451, 4452, and 4475 of, to add Sections 4025, 4458, 4459, 4460, and 4461 to, the Health and Safety Code, relating to contamination and pollution of waters and the regulation, abatement, and correction of such conditions, the disposal of sewage and industrial wastes, and the supply of water for domestic and other purposes, all relating to public health.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2307—An act to amend Sections 6014, 6015, and 6702 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2439—An act to add Section 4765 to the Health and Safety Code, relating to county sanitation districts.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2765—An act to amend Section 1659 of the Probate Code, relating to compensation of veterans' guardians.

Referred to Committee on Judiciary.

Assembly Bill No. 2947—An act to amend Section 28116 of the Government Code, relating to compensation for public service in counties of the sixteenth class.

Referred to Committee on Local Government.

REPORTS OF STANDING COMMITTEES

Committee on Education

SENATE CHAMBER, SACRAMENTO, May 20, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Assembly Bill No. 2020

Assembly Bill No. 465

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 20, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 559

Senate Bill No. 685

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 20, 1949

MR. PRESIDENT: The Committee on Education, to which were referred:

Senate Bill No. 1019

Senate Bill No. 274

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 5; absent 4.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 19, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency to which was referred:

Assembly Bill No. 2902

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 20, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Joint Resolution No. 4—Relative to establishing a nine county area to be known as the San Francisco Bay area;

Senate Joint Resolution No. 20—Memorializing the Congress of the United States to modify the classification of items subject to tax as luxuries;

Senate Concurrent Resolution No. 60—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the municipal general election held therein on the nineteenth day of April, 1949;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the twentieth day of May, 1949, at 11.30 a.m.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 187—An act to amend Section 13424 of the Education Code, relating to the attendance of teachers upon teachers institutes;

Senate Bill No. 353—An act to amend Section 21 of the Fish and Game Code, relating to powers and duties of the Fish and Game Commission;

And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of May, 1949, at 11.30 a.m.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 221

Senate Bill No. 605

Senate Bill No. 246

Senate Bill No. 1213

Senate Bill No. 393

Senate Bill No. 1444

And reports the same correctly engrossed.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 491

Senate Bill No. 492

And reports the same correctly re-engrossed.

SALSMAN, Vice Chairman

RESOLUTIONS

The following resolution was offered:

By Senator Salsman:

Senate Resolution No. 106

Relative to expenses of the Senate

WHEREAS, The Senate on January 28, 1949, adopted Senate Resolution No. 56 by which it allocated from the Senate Contingent Fund certain funds to be made available for the incidental expenses of the Senate; and

WHEREAS, Such funds have been exhausted; now, therefore, be it

Resolved, That the sum of ten thousand dollars (\$10,000), or so much thereof as may be necessary, is hereby made available for expenditures by the Secretary of the Senate pursuant to Standing Rule No. 9.5 of the money appropriated for contingent expenses of the Senate and allocated to the Committee on Rules, for expenses of the Senate heretofore or hereafter incurred, including expenses for telephone service, telegraph service, supplies, rental of typewriters, illuminating resolutions, traveling expenses and any other incidental expenses in connection with conducting the business of the Senate and performing any duties imposed by law or by the rules or resolutions of the Senate.

Resolution read, and referred to Committee on Rules.

ADJOURNMENT

At 1 p.m., on motion of Senator Busch, the President declared the Senate adjourned until 2 p.m., Monday, May 23, 1949.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTY-SEVENTH LEGISLATIVE DAY
ONE HUNDRED FORTY-FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, May 23, 1949

The Senate met at 2 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek, at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—34.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Powers, on motion of Senator Salsman, due to illness.

Senator Mayo, on motion of Senator Salsman, due to legislative business.

Senator Busch, on motion of Senator Salsman, due to legislative business.

Senator Hulse, on motion of Senator Salsman, due to legislative business.

Senator Jespersen, on motion of Senator Salsman, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Adrian Thiel of Oakland.

On request of Senator Crambs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Sam Kellott of Calistoga.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. A. Tiscornia of San Francisco.

On request of Senator Kraft, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ferdinand T. Fletcher and Kenneth Frikken of San Diego, George Bachelor of Los Angeles and William Mackay of Oakland.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following students of University of California at Berkeley: Bernice Siegel, John A. Woodford, Barbara Goodsell, Geraldine Bettala, Eve Garber, Bob Spencer, Jim Goodwin, Nola Hansen, Rex Lawther, Tom Wainett, Lucille Laddell, Lois Rubin, Marcia Trynle, Wanda Marrs, Bob Stenlar, Laanna Carson, Irene Connolly, Ana Bel Rodgers, Virginia Widman, Alexander Hoffmann, Frederika Lohmberg, Juanita Nelson, Jane Freeman, Ervin Margosan, Sonia Trynle, Mary La Ray, Marge Rosenberg, Elizabeth Allen, Ellis C. Hadowall, Marvin Shapiro, Hart Walters, Dwayne Chodfelder, Thomas Datterich, W. Bruce Buchanan, Selma Mendelson, Lydia Gans, Blanche Hartman, Roberta Hirsch, Robert Drake, Jack Cook, Betty Hutchinson, Jay Hutchinson, Michael Gratch, George Hardy, Sheldon Baumrind, Ellen Philipsborn, Marianne Lichstein, Lee Cohen, Mike Cheasin, Luis Kemmter, Louise Myers, Dan Kohl, Sonia Wallin, Marvin Ruck, Yo Floita, John Myers, De Forest P. Rudd, George Goldstein, Robert J. Rutman, Annette Hazan, Hart V. Vaswant, Vicki Bregman, Darold Beckman, Florence Hart, Diana Blumberg, Lionel Martin, and Sidney Topol.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following students of Stanford University: Tom Lapher, Gelsonina Smith, Andy Jordan, and Joe Tobin.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following students of San Francisco State College: Stefan Moses, Richard Pearson, Patricia Shuey, Hulda B. Dawa, George Arnstein, DeVera Joffe, Mary Stephens, and Jane Freeman.

On request of Senator Drobish, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bert McGuire, Melvyn Hessberg, Lois Rubin, and Mandy Lawson of Los Angeles, Stewart Bryant, Madeline Tikyan, and Ed Hagopian of Fresno; Beverly Wainett, San Carlos; Robert B. Hutcheson, Bakersfield; Clarice Tuck, Kettleman City; William Allen, Pasadena; R. M. Wheeler, Pacific Palisades; Leon Litwack, Santa Barbara; June Anderson, San Fernando; Charlotte Scales, Manhattan Beach; Barbara Jordan, Herman Berlanit, and Bill Roay of Contra Costa County; Mildred Glazer, Los Angeles.

On request of Senator Williams, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Emmett Berry of Porterville.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. S. Prescott, Editor, Holstein-Friesian World, of Sandy Creek, New York.

MOTION TO EXTEND BEST WISHES TO SENATOR POWERS

Senator Hatfield moved that the Secretary of the Senate be instructed to send a telegram to Senator Powers, President pro Tempore of the Senate, extending best wishes, and that the Senate is ready to welcome him back even though he may come in a wheel chair.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 1461—An act to amend Section 202 of the Fish and Game Code, relating to the Mendota Pool Waterfowl Refuge and defining the boundaries thereof;

And appointed Messrs. Heisinger, Butters, and Erwin as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Mayo, Williams, and Hatfield as a Senate Committee on Conference concerning Assembly Bill No. 1461 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES
SALSMAN, Vice Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 95
Assembly Bill No. 378
Assembly Bill No. 958
Assembly Bill No. 1033
Assembly Bill No. 1296
Assembly Bill No. 1713

Assembly Bill No. 2045
Assembly Bill No. 2431
Assembly Bill No. 2632
Assembly Bill No. 2764
Assembly Bill No. 2982
Assembly Bill No. 3035

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 41

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 56
Senate Concurrent Resolution No. 57

Senate Concurrent Resolution No. 58
Senate Concurrent Resolution No. 63

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 114
Senate Bill No. 270
Senate Bill No. 294
Senate Bill No. 296
Senate Bill No. 413
Senate Bill No. 414
Senate Bill No. 417
Senate Bill No. 454
Senate Bill No. 556
Senate Bill No. 557
Senate Bill No. 633
Senate Bill No. 634
Senate Bill No. 648
Senate Bill No. 649

Senate Bill No. 677
Senate Bill No. 817
Senate Bill No. 1075
Senate Bill No. 1216
Senate Bill No. 1282
Senate Bill No. 1402
Senate Bill No. 1449
Senate Bill No. 1460
Senate Bill No. 1488
Senate Bill No. 1495
Senate Bill No. 1622
Senate Bill No. 267
Senate Bill No. 610

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

Senate Bill No. 74
Senate Bill No. 88
Senate Bill No. 95
Senate Bill No. 150
Senate Bill No. 514
Senate Bill No. 607

Senate Bill No. 624
Senate Bill No. 627
Senate Bill No. 895
Senate Bill No. 965
Senate Bill No. 1172
Senate Bill No. 1496

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns pursuant to your request:

Assembly Bill No. 625

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUAL, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 368
Assembly Bill No. 401

Assembly Bill No. 1450
Assembly Bill No. 2599

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 368—An act adding Section 31676.5 to the Government Code, relating to retirement pensions.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 401—An act to amend Section 25690 of the Government Code, relating to local water and power projects.

Referred to Committee on Local Government.

Assembly Bill No. 1450—An act to amend Sections 9200, 9300, 9301, 9303, 9304, 9305, 9400, 9402, 9600, and 9602 of the Corporations Code, relating to nonprofit corporations.

Referred to Committee on Judiciary.

Assembly Bill No. 2599—An act to amend Sections 671, 689, 777, 778, 781, 782, 783, 784, 784a, 785, 786, 789, 791, 792, 794, 795, 802, 806, 813, 814, 815, 816, 826, 827, 828, 829, 949, 950, 953, 954, 955, 957, 958, 959, 960, 961, 963, 964, 966, 967, 968, 969, 969e, 970, 971, 976, 977, 979, 980, 983, 988, 989, 990, 995, 1004, 1005, 1007, 1008, 1009, 1010, 1012, 1016, 1017, 1018, 1019, 1021, 1022, 1023, 1024, 1025, 1033, 1043, 1053, 1057, 1059, 1093, 1095, 1099, 1100, 1119, 1127, 1130, 1135, 1136, 1138, 1150, 1151, 1155, 1157, 1158, 1159, 1160, 1164, 1165, 1180, 1181, 1185, 1186, 1187, 1191, 1193, 1195, 1196, 1197, 1198, 1199, 1205, 1207, 1213, 1235, 1237, 1238, 1243, 1262, 1326, 1382, 1385, 1387, 1427, 1428, 1429, 1447, 1449, 1458, 1461, 1466, and 1468 and the headings of Title 3, Chapter 3 of Title 3, Title 4, Title 5, Chapter 2 of Title 5, Title 6, Chapter 2 of Title 6, Chapter 3 of Title 6, Chapter 4 of Title 7, Title 9, Chapter 8 of Title 10, Title 11, and of Chapter 1 of Title 11, of Part 2 of the Penal Code, to renumber the headings of Chapters 2 and 3 of Title 4 of Part 2 of said code and to repeal the heading of Title 2, Part 2 and Sections 809, 810, 811, 812, 818, Chapter 1, consisting of Sections 888 to 890, inclusive, of Title 4, Part 2, Sections 1011, 1144, 1247e, 1426, 1426.1, 1428.1, 1428.2, 1428.3, 1430, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1446, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1459, 1460, 1461a, and 1467, of said code, and to add Sections 690, and 691, a new Title 2, consisting of Sections 737 to 740, inclusive, to Part 2 of said code, and Sections 777a, 973, 1167 and 1467 to said code, relating to proceedings in criminal cases.

Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 23, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 960

Senate Bill No. 462

Senate Bill No. 1186

And reports the same correctly engrossed.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 23, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 901

Senate Bill No. 130

And reports the same correctly re-engrossed.

SALSMAN, Vice Chairman

MOTION TO APPROVE JOURNALS

Senator Salsman moved that the Journals for Monday, May 16, 1949; Tuesday, May 17, 1949; Wednesday, May 18, 1949; Thursday, May 19, 1949 and Friday, May 20, 1949, be approved as corrected by the Minute Clerk and the Journal Clerk.

Motion carried.

MOTION TO AMEND SENATE BILL NO. 437

Senator Hatfield moved that Senate Bill No. 437 be taken up at this time for the purpose of amendment.

Motion carried.

CONSIDERATION OF SENATE BILL NO. 437

Senate Bill No. 437—An act to amend Section 11611 of the Business and Professions Code, relating to streets and easements in real estate subdivisions.

Bill read third time.

Motion to Amend

Senator Hatfield moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended in Senate May 16, 1949, strike out lines 12 to 20, inclusive, and insert "the streets or easements in accordance with standards established by such governing body by local ordinance."

Amendment read, and adopted.

Senate Bill No. 437 ordered printed, re-engrossed, and returned to its status as Special Order of Business for Tuesday, May 24, 1949 at 2:30 p.m.

MOTION TO RESCIND ACTION ON ASSEMBLY BILL NO. 625

Senator Collier moved that the Senate rescind its action whereby the Senate passed Assembly Bill No. 625 on May 19, 1949.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Breed, Burns, Collier, Crittenden, Cunningham, Desmond, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—28.

NOES—None.

Request for Unanimous Consent

Senator Collier asked for, and was granted, unanimous consent to take up Assembly Bill No. 625, at this time, for the purpose of amendment.

CONSIDERATION OF ASSEMBLY BILL NO. 625

Assembly Bill No. 625—An act to repeal Section 586.5 of, and to add Sections 39.7 and 586.5 to the Vehicle Code, relating to the operation of tow cars.

Bill read third time.

Motion to Amend

Senator Collier moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended in Assembly on March 28, 1949, on line 21, after "roadway", insert "outside a business or residence district".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

**MOTION TO REQUEST THE ASSEMBLY TO RETURN ASSEMBLY
CONSTITUTIONAL AMENDMENT NO. 24**

Senator Desmond moved that the Secretary of the Senate be instructed to request the Assembly to return Assembly Constitutional Amendment No. 24 to the Senate for further consideration.

Motion carried.

Motion to Rescind Action on Assembly Constitutional Amendment No. 24

Senator Desmond moved that the Senate rescind its action whereby the Senate adopted Assembly Constitutional Amendment No. 24 on May 20, 1949.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Droesh, Gibson, Hulse, Judah, Keating, Kraft, Miller, O'Gara, Rich, Salmon, Sutton, Swing, Tenney, Watson, Weybret, and Williams: 29.

NOES—None.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 945

Senator Kraft moved that Senate Bill No. 945 be withdrawn from Committee on Business and Professions for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 945—An act to amend Section 1205 of the Business and Professions Code, relating to clinical laboratory technology.

Bill read second time.

Motion to Amend

Senator Kraft moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 8, of the printed bill as amended, strike out "This includes" and strike out lines 9 to 15, inclusive, and insert "A duly licensed clinical laboratory technologist or clinical laboratory technician may perform venipuncture or skin puncture for test purposes, upon specific authorization from any person licensed under any provisions of law relating to healing arts."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Motion to Take Bill From the Inactive File

Senator Collier moved that Assembly Bill No. 616 be taken from the inactive file and placed on the second reading file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1151

Senator O'Gara moved that Senate Bill No. 1151 be withdrawn from Committee on Military and Veterans Affairs for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1151—An act to provide state aid for housing facilities for veterans and servicemen and their families, and families of deceased persons who served in the armed forces, conferring certain powers on cities, counties, cities and counties, and local housing authorities in connection therewith, providing for the operation and disposition of such facilities, making an appropriation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator O'Gara moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill, strike out "cities, counties, cities and counties, and".

Amendment No. 2

On page 1, line 5, of said bill, strike out the comma, and insert "and".

Amendment No. 3

On page 1, line 6, of said bill, strike out ", for the following reasons;", and insert a period.

Amendment No. 4

On page 1, line 21, of said bill, strike out "or", and insert "of".

Amendment No. 5

On page 2, line 11, of said bill, strike out "----- dollars (\$-----)", and insert "five million dollars (\$5,000,000)".

Amendment No. 6

On page 2 of said bill, between lines 24 and 25, insert

"SEC. 4. The director may allocate the funds made available under this act to housing authorities for housing development purposes. An allocation to a housing authority shall not exceed 50 percent of the cost of construction of the housing development.

SEC. 5. A housing authority may apply to the director for an allocation from the funds made available under this act for a housing development for which it desires aid. The application shall be accompanied by a statement of the estimated cost of construction of the development and also by a statement of the provisions made for financing the remaining cost of the development, together with such other information as may be required by the director."

Amendment No. 7

On page 2, line 25, of said bill, strike out "4", and insert "5.5".

Amendment No. 8

On page 2, line 34, of said bill, after "involved," insert "and in any event not later than December 31, 1954, unless the Legislature hereafter extends this period,".

Amendment No. 9

On page 2, line 37, of said bill, strike out " , after retirement", and strike out lines 38 and 39, and insert "shall be used first to reimburse the State for the amount allocated to the authority for such housing development by the State, then for the retirement of outstanding obligations against such development."

Amendment No. 10

On page 3, line 21, after "extreme", insert "housing".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1152

Senator O'Gara moved that Senate Bill No. 1152 be withdrawn from Committee on Military and Veterans Affairs for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1152—An act to add Article 8, comprising Sections 1000 to 1000.10, inclusive, to Chapter 6, Division 4 of the Military and Veterans Code, relating to veterans' cooperative and rental housing.

Bill read second time.

Motion to Amend

Senator O'Gara moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 27, of the printed bill, strike out "_____ dollars (\$_____)", and insert "five hundred thousand dollars (\$500,000)".

Amendment No. 2

On page 2, line 1, of said bill, strike out "board", and insert "department".

Amendment No. 3

On page 2, line 4, of said bill, strike out "The", and insert "Prior to a sale under Section 1000.2, the".

Amendment No. 4

On page 2, line 21, of said bill, strike out "sold", and insert "resold".

Amendment No. 5

On page 2, line 24, of said bill, after "percent", insert "per annum".

Amendment No. 6

On page 2, line 25, of said bill, strike out "sold", and insert "resold".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Desmond:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 23, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 7437.5 to the Business and Professions Code, relating to cosmetology.

Respectfully submitted,

SENATOR DESMOND

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 23, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SALSMAN, Vice Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse,

Johnson, Judah, Keating, Kraft, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.
 NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1635: By Senator Desmond—An act to add Section 7437.5 to the Business and Professions Code, relating to cosmetology. Referred to Committee on Business and Professions.

Senate Concurrent Resolution No. 64: By Senator Drobish—Relative to Y. M. C. A. Youth and Government Model Legislature. Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 130—An act to add Section 8275 to the Education Code, relating to the teaching of un-American systems of government upon any property belonging to any agencies included in the Public School System.

Bill read third time.

Previous Question

Senator Rich moved the previous question.

Motion carried.

The question being on the final passage of Senate Bill No. 130.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Gibson, Johnson, Judah, Keating, Kraft, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—Senators Dillinger, Drobish, Miller, and O'Gara—4.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to have the following Opinion of the Legislative Counsel regarding the constitutionality of Senate Bill No. 130 printed in the Journal:

Opinion of the Legislative Counsel

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
 SACRAMENTO 2, CALIFORNIA, May 23, 1949

Hon. Jack B. Tenney
Senate Chamber

Un-American Teaching—No. 6921

DEAR SENATOR TENNEY: You have asked us for an opinion as to the constitutionality of Senate Bill No. 130 as amended May 20, 1949.

Senate Bill No. 130 as amended provides essentially that a teacher under the guise of giving instruction in Communism, Fascism and Nazism shall not advocate the doctrines of the above subjects or attempt to indoctrinate any pupil into belief of the above subjects, and further, the bill expresses its intent to prevent any such indoctrination or advocacy but does not intend to prevent instruction in the facts of the above subjects, and further provides, for the purposes of this section being added to the Education Code, definitions to guide teachers and disciplinary boards of the schools.

Breach of this law allows the appropriate school disciplinary board to dismiss the guilty teacher in accordance with the provisions and procedures set out in the Education Code (Article 2, Section 11, Division 7, Education Code).

It would seem clear that the Legislature has the power under the Constitution of the State of California to enact legislation regulating the subjects to be taught in the Public School System and this power over the educational system of the State was generally granted in Article 9, Section 1, of the Constitution of the State of California. Further, this subject falls within the field of subjects over which the State may exercise its police power, as education and teaching in the school system would seem to be matters concerning the general welfare (see generally 11 Am. Jur. 1015).

The main constitutional problem raised by this bill seems to be whether it sets up a definite enough standard to guide the persons affected by it. As the bill sets forth a general definition of the meaning of the prohibited subjects, it would seem that it is sufficiently definite to guide a person teaching these subjects. Further, as the persons affected have the full right of review in any action taken under this proposed section, both under the procedures set up by the Education Code and for the right of appeal to the courts, it seems that such persons are fully protected.

As was stated in the case of the *Board of Education v. Jewett*, 21 Cal. App. 2d 64, at page 72:

"The preservation of our Nation depends on the patriotism of its people. Our School Code gives recognition to the principle that patriotism is to be instilled in the pupils attending our public schools. This purpose is not accomplished by the retention on our teaching staffs of instructors who entertain the beliefs held by appellant, and who seek to impress those beliefs upon their pupils."

The above case upheld the dismissal of a teacher in the Public School System of the State of California for the attempted indoctrination of his pupils into anti-American beliefs held by him.

It is therefore our opinion that the bill in question would be constitutional.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By HARRY J. ENGLEBRIGHT, Deputy

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)
REQUEST FOR UNANIMOUS CONSENT

Senator Kraft asked for, and was granted, unanimous consent to have Senate Bill No. 1005 passed on file and retain its place on file until the next legislative day.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 254—An act to amend Section 44 of the Vehicle Code, relating to emergency vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 224—An act to add Sections 1128, 1129, 1130, 1131, and 1132 to the Streets and Highways Code, and to repeal Section 2692 of the Political Code, relating to private or by-roads for timber access purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Judah, Keating, McBride, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—Senator Dillinger—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 491—An act to amend Section 459 of the Vehicle Code, relating to regulatory powers of local authorities with respect to highway traffic.

Motion to Refer Bill to Inactive File

Senator Ward moved that Senate Bill No. 491 be placed on the inactive file.

Motion carried.

Senate Bill No. 492—An act to amend Sections 511.2, 511.3, and 511.6 of the Vehicle Code, relating to speed limits upon highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1305—An act to repeal Section 154 of the Vehicle Code, relating to registration of vehicles previously registered outside this State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1306—An act to amend Section 206 of the Vehicle Code, relating to the issuance of special plates to dealers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator O'Gara asked for, and was granted, unanimous consent to have Senate Bills Nos. 1387 and 1626 passed on file and retain their place on file until the next legislative day.

Senate Bill No. 1444—An act to add Section 10202.8 to, and to amend Sections 10203.4, 10204, 10270.5, and 10270.6 of, the Insurance Code, relating to group life and disability insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Judah, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 62—Relative to the apportionment and expenditure of federal aid secondary highway funds under the Federal-Aid Highway Act of 1948.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Hatfield asked for, and was granted, unanimous consent to have the following communication from the Department of Public Works printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS

SACRAMENTO, May 23, 1949

*Hon. George J. Hatfield
The State Senate, State Capitol
Sacramento, California*

MY DEAR SENATOR: You have requested an expression of the attitude of the Department of Public Works and the Division of Highways in the event the Legislature adopts Senate Concurrent Resolution No. 62, relative to the allocation of moneys received by the State of California for expenditure on Federal Aid Secondary Roads under the provisions of the Federal Aid Highway Act of 1948.

In answer, please be advised that in the event the Legislature adopts the Senate Concurrent Resolution No. 62, both the Department of Public Works and the Division of Highways will endeavor in every way to carry out the provisions of the resolution and the intent of the Legislature as therein expressed.

Yours very truly,

C. H. PURCELL
Director of Public Works

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF SENATE BILLS (RESUMED)

Senate Resolution No. 102

Relative to augmenting the funds of the Senate Committee on State and Local Taxation

Resolved by the Senate of the State of California, That, in addition to any money heretofore made available, the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the Senate Committee on State and Local Taxation (created by Senate Resolution No. 122, as amended, 1947 Regular Session) and its members and for any charges, expenses, or claims incurred by it under said resolution, during the period for which it was created (until the last legislative day of the 1949 session), to be paid from the Contingent Fund of the Senate and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Keating, Kraft, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—25.

NOES—None.

Senate Bill No. 901—An act to amend the title and to repeal Sections 56, 58, 101, 101.5, 101.6, 101.8, and 101.9, to renumber Section 57.7, to amend and renumber Section 57.5, and to amend the title and Sections 1, 3, 13, 53, 54, 56.6, 57, 67, 86, 92 and 100 of the Unemployment Insurance Act, and to add Sections 57.2, 57.3, 59, 84, and 103 thereto.

Motion to Refer Bill to Inactive File

Senator Kraft moved that Senate Bill No. 901 be placed on the inactive file.

Motion carried.

Senate Bill No. 1213—An act to amend the title of, to amend Sections 1, 2, and 4 of, and to add Section 6 to an act entitled "An act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, relating to reports therefor," approved April 21, 1911, and making an appropriation.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, as amended in Senate May 19, 1949, strike out lines 1 to 7, inclusive, and insert

"An act to amend Sections 12463 and 12464 of, to repeal Sections 50054 to 50059, inclusive, of, and to add Section 12463.1 and Article 9, comprising Sections 53890 to 53896, inclusive, to Chapter 4, Part 1, Division 2, Title 5 of, the Government Code, relating to the compilation and publication of reports of the financial transactions of local agencies."

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

Strike out lines 1 and 2 of said bill, and insert

"SECTION 1. Section 12463 of the Government Code is amended to read:

12463. The Controller shall compile and publish annually reports of the financial transactions of each county, [and] city, and school district within the State, together with such other matter as he deems of public interest. The reports shall be made in the time, form, and manner prescribed by the Controller.

SEC. 2. Section 12463.1 is added to said code, to read:

12463.1. The Controller shall appoint an advisory committee consisting of seven local governmental officers to assist him in developing complete and adequate records.

Whenever, in the opinion of the advisory committee and the Controller, the public welfare demands that the reports of the financial transactions of a district other than a school district be published, the Controller shall notify the district that reports of its financial transactions are required to be furnished to him pursuant to Article 9, Chapter 4, Part 1, Division 2 of Title 5. The Controller shall compile and publish such reports pursuant to Section 12463.

SEC. 3. Section 12464 of said code is amended to read:

12464. If the county, [or] city, or district reports are not made in the time, form, and manner required or there is reason to believe that any such report is false, incomplete, or incorrect, the Controller shall appoint some qualified accountant to make an investigation and to obtain the information required. The accountant appointed shall report to the Controller the results of investigation, and a copy shall

be filed with the legislative body of the county, [or] city, or district, the accounts of which were so investigated. If a similar investigation has to be made of the accounts of any county, [or] city, or district, for two successive years, a certified copy of the results of the investigation last made shall be transmitted to the grand jury of the county so investigated or in which the city or district so investigated is situated, or, if the district is situated in more than one county, in the county in which any portion of the district is situated.

SEC. 4. Sections 50054 to 50059, inclusive, of said code are repealed.

SEC. 5. Article 9, comprising Sections 53890 to 53896, inclusive, is added to Chapter 4, Part 1, Division 2, Title 5, of said code:

Article 9. Financial Reports

53890. As used in this article, "local agency" means city, county, school district, or any other district required by the advisory committee and the Controller to furnish financial reports pursuant to Section 12463.1.

53891. The officer of each local agency who has charge of the financial records shall furnish to the Controller a report of all the financial transactions of the local agency during the next preceding fiscal year. The report shall be furnished within ninety days after the close of each fiscal year and shall be in the form required by the Controller.

53892. The report shall state:

(a) The aggregate amount of taxes levied and assessed against the taxable property in the local agency, which became due and payable during the next preceding fiscal year.

(b) The aggregate amount of taxes levied and assessed against such property collected by or for, the local agency during the fiscal year.

(c) The aggregate income during the preceding fiscal year, a general statement of the sources of the income, and the amount received from each source.

(d) The total expenditures made by administrative departments during the preceding fiscal year, a general statement of the purposes of the expenditures, and the amounts expended by each department.

(e) The assessed valuation of all of the taxable property in the local agency as set forth on the assessment roll of the local agency equalized for the fiscal year, or, if the officers of the county in which the city or district is situated have collected for the city or district the general taxes levied by the city or district for the fiscal year, the assessed valuation of all taxable property in the city or district as set forth on the assessment rolls for the county equalized for the fiscal year.

(f) The total bonded indebtedness payable from a general tax levy outstanding at the end of the fiscal year.

(g) The aggregate amount of principal of all bonded indebtedness payable from a general tax levy which matured in or prior to the fiscal year and which remains outstanding at the end of the fiscal year.

(h) The approximate population at the close of the fiscal year and the population as shown by the last regular federal census.

(i) Other information which the Controller requires.

(j) Such other matters necessary to complete and keep current the statistical information on assessments, revenues and taxation, collected and compiled by any Senate or Assembly Interim Committee on State and Local Taxation established by resolution of the Legislature or either house thereof.

53893. Upon the completion of the report the legislative body shall cause copies of the report to be prepared and the clerk of the legislative body shall furnish a copy to any person requesting it. A charge not to exceed twenty-five cents (\$.25) for each copy may be imposed.

53894. An officer wilfully and knowingly rendering a false report is guilty of a misdemeanor.

53895. An officer who fails or refuses to make and file his report within twenty days after receipt of a written notice of the failure from the Controller shall forfeit to the State one thousand dollars (\$1,000). Upon the request of the Controller, the Attorney General shall prosecute an action for such forfeiture in the name of the people of the State of California.

53896. An officer wilfully refusing to make such a report is guilty of a misdemeanor."

Amendment No. 3

On page 1, strike out lines 3 to 21, inclusive, and strike out all of pages 2 and 3.

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

Senate Resolution No. 104

Relative to purchasing Attorney General's Opinions

Resolved by the Senate of the State of California, That the Secretary of the Senate be and he is authorized and directed to purchase the following:

41 subscriptions to the "Opinions of the Attorney General of California" for 1949 and 1950

7 sets of back volumes of the "Opinions", each set comprising Volumes 1 to 12, inclusive

41 copies of "Five-Year Consolidated Index" to Volumes 1 to 10 of the "Opinions" and be it further

Resolved that the Secretary is instructed to arrange for delivery of one subscription and one copy of the "Index" to each Member of the Senate and to the Secretary, and to deliver one set of the back volumes to each new Member of the Senate.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Desmond, Dillinger, Dorsey, Drobish, Gibson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, and Weybret—23.

NOES—None.

Senate Bill No. 960—An act to amend Section 2496 of the Business and Professions Code, relating to fees of Board of Osteopathic Examiners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 194

Senator O'Gara moved that Senate Bill No. 194 be withdrawn from Committee on Local Government for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 194—An act to provide for the incorporation and government of Metropolitan Rapid Transit Districts; prescribing the powers thereof, and providing for the performance of certain functions relating thereto by officers of counties and cities and counties, and relating to rail, monorail, and subway transportation in metropolitan areas.

Bill read second time.

Motion to Amend

Senator O'Gara moved the adoption of the following amendments:

Amendment No. 1

Strike out the title of the printed bill as amended in the Senate May 13, 1949, and insert

"An act to provide for the incorporation and government of the San Francisco Bay Area Metropolitan Rapid Transit District; prescribing the powers thereof, and providing for the performance of certain functions relating thereto by officers of counties and cities and counties, and providing for the calling of an election for the purpose of incurring bonded indebtedness and providing for the levying of a tax for the payment of the bond indebtedness, and relating to rapid transit in the San Francisco Bay metropolitan area."

Amendment No. 2

On page 1, strike out lines 5 to 10, inclusive, and insert

"SEC. 2. This act is enacted in furtherance of the declared policy of the State to stimulate the maximum use of the harbor in San Francisco Bay in order to foster and develop international and other trade for the benefit of the entire State.

The geographical situation of the San Francisco Bay which makes it one of the finest harbors in the world, at the same time prevents the full utilization of the harbor by acting as a physical barrier to the rapid and effective transportation of persons between the various portions of the metropolitan area surrounding the bay.

Private enterprise has not and cannot construct or maintain an integrated, rapid and efficient means of transporting persons throughout the area. It is therefore necessary to create a political subdivision with the consent of the people therein, to finance, construct, operate or cause to be operated and maintain such a transit system in the interest of the people of the State as a whole.

The City and County of San Francisco and the City of Oakland are necessary, integral parts of such a system.

The Legislature expressly finds and declares that because of the unique transportation problem presented by the San Francisco Bay Metropolitan Area it is necessary to enact this legislation applicable solely to such area.

SEC. 3. As used in this act:

(a) "District" means San Francisco Bay Metropolitan Area Rapid Transit District.

(b) "Rapid transit" means transportation of passengers by means of rail, monorail or by similar means; upon, above or below the surface of land or water, over a course on which, generally, other traffic does not operate and which is, for the most part, grade separated from intersecting traffic.

(c) "Rapid transit works" or "rapid transit facilities" means all real and personal property, equipment, rights or interests owned or to be acquired by the district for rapid transit.

SEC. 4. The district may be created as herein provided and when created may exercise the powers herein granted.

The district shall include the City and County of San Francisco and the City of Oakland and may include in addition all or any portion of the following counties or of any city situated therein: Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, San Mateo and Santa Clara."

Amendment No. 3

On page 1, line 11, of said bill, strike out "3", and insert "5".

Amendment No. 4

On page 1 of said bill, strike out line 12, and insert "in forming the district shall adopt".

Amendment No. 5

On page 1, lines 13 and 14, of said bill, strike out ", or (2) by initiative petition as hereinafter set forth".

Amendment No. 6

On page 1, line 17, of said bill, strike out "the name of the proposed district; (4)".

Amendment No. 7

On page 1, line 19, of said bill, after "extent", insert "within the county or city and county".

Amendment No. 8

On page 1, line 21, of said bill, strike out "(5)", and insert "(4)".

Amendment No. 9

On page 1, line 23, of said bill, after "county", insert "or city and county".

Amendment No. 10

On page 2 of said bill, strike out line 4, and insert "shall be the duty of the board of supervisors publishing it to notify".

Amendment No. 11

On page 2, lines 5 and 6, of said bill, strike out "respective counties", and insert "county".

Amendment No. 12

On page 2, line 7, of said bill, after "extent", insert "within the county".

Amendment No. 13

On page 2 of said bill, strike out lines 14 to 32, inclusive.

Amendment No. 14

On page 2, line 33, of said bill, strike out "4", and insert "5a".

Amendment No. 15

On page 2, line 35, of said bill, strike out "any", and insert "the".

Amendment No. 16

On page 2, line 36, of said bill, strike out "within the proposed district".

Amendment No. 17

On page 2, line 38, of said bill, strike out "or,"; and strike out all of line 39, and insert "of supervisors shall hear said objec-".

Amendment No. 18

On page 2, line 41, of said bill, strike out "or boards of supervisors".

Amendment No. 19

On page 2 of said bill, strike out lines 43 to 45, inclusive, and insert "SEC. 5b. At the conclusion of the public hearing the board of supervisors may exclude any territory within the county or city and county that in its opinion".

Amendment No. 20

On page 2, line 47, of said bill, strike out "or boards".

Amendment No. 21

On page 2, line 48, of said bill, strike out "or boards".

Amendment No. 22

On page 2, lines 49 and 50, of said bill, strike out "or they".

Amendment No. 23

On page 2 of said bill, strike out line 52, and insert "torial extent ; (2)".

Amendment No. 24

On page 3, line 3, of said bill, strike out "(4)", and insert "(3)".

Amendment No. 25

On page 3, line 4, of said bill, strike out "(5)", and insert "(4)".

Amendment No. 26

On page 3, line 6, of said bill, strike out "(6)", and insert "(5)".

Amendment No. 27

On page 3, line 7, of said bill, strike out "or"; and strike out all of lines 8 and 9, and insert "published in the county or city and county, and the first publication shall be at least thirty".

Amendment No. 28

On page 3, line 11, of said bill, strike out "or boards".

Amendment No. 29

On page 3, line 14, of said bill, strike out "each said", and insert "the".

Amendment No. 30

On page 3, line 18, of said bill, strike out "each", and insert "the".

Amendment No. 31

On page 3, line 19, of said bill, strike out "in which the proposed district lies".

Amendment No. 32

On page 3, line 24, of said bill, strike out "if a majority of all votes"; and strike out lines 25 to 38, inclusive, and insert "If a majority of the votes cast in the City and County of San Francisco and the City of Oakland are in favor of the formation of the district, the boards of supervisors of the City and County of San Francisco and of the County of Alameda shall by resolution so declare. Certified copies of the resolutions shall be forthwith delivered to the boards of supervisors of the other counties and the city and county and filed with the Secretary of State. Thirty days after receipt of the certified copy of the resolution the Secretary of State shall declare the territory formed and state its territorial extent.

The board of supervisors of every county, a majority of whose voters voted in favor of joining the proposed district as herein provided, shall by resolution so declare. The resolution shall describe the area within the county which is to be within the district. If a majority of the votes cast in any city are against joining the district that city shall be excluded from the area so described; if a majority of the votes cast in the unincorporated territory are against joining the district, that territory shall be

excluded from the district so described. Certified copies of the resolution shall be delivered forthwith to the board of supervisors of every other county and the city and county in the proposed district and shall be filed with the Secretary of State.

The Secretary of State shall describe the territorial extent of the district on the basis of the certified copies of resolutions received by him prior to his declaration that the district is formed. Upon such declaration the formation of the district is complete."

Amendment No. 33

On page 3, line 41, of said bill, strike out "municipality", and insert "city".

Amendment No. 34

On page 3, line 42, of said bill, strike out "metropolitan rapid transit".

Amendment No. 35

On page 3, line 46, of said bill, strike out "municipality", and insert "city".

Amendment No. 36

On page 3, line 49, of said bill, strike out "municipality", and insert "city".

Amendment No. 37

On page 3, line 51, of said bill, strike out "municipality", and insert "city".

Amendment No. 38

On page 4, line 29, of said bill, after the period, insert "The City and County of San Francisco is a city for the purposes of this section."

Amendment No. 39

On page 4 of said bill, strike out line 39, and insert "SEC. 9. The district shall have".

Amendment No. 40

On page 4 of said bill, strike out lines 42 and 43, and insert "tion of passengers within the district."

Amendment No. 41

On page 5 of said bill, strike out line 21 and insert "body of the county, city and county or city which has jurisdiction over such".

Amendment No. 42

On page 5, line 36, of said bill, after "facilities", insert "or any portion thereof,".

Amendment No. 43

On page 5, line 37, of said bill, after "operator", insert "upon such terms and conditions as it deems in the public interest".

Amendment No. 44

On page 5, line 46, of said bill, after "and", insert "for the purposes hereafter prescribed,".

Amendment No. 45

On page 5, line 48, of said bill, after "bonds", insert ", or nonnegotiable notes payable out of the first tax levy for preliminary engineering and general administrative expenses incurred prior to such levy".

Amendment No. 46

On page 6, line 3, of said bill, after "district", insert ", and the maintenance and operation of the rapid transit facilities".

Amendment No. 47

On page 6, line 16, of said bill, strike out "of the district".

Amendment No. 48

On page 6 of said bill, strike out lines 34 to 38, inclusive, and insert "(15) To operate such feeder bus lines as are necessary to give reasonable access to the rapid transit facilities, if such service is not being otherwise provided, and existing operators in the area decline to undertake such operation."

Amendment No. 49

On page 6, line 41, of said bill, strike out "district", and insert "act".

Amendment No. 50

On page 7, line 2, of said bill, strike out "by such district".

Amendment No. 51

On page 7, line 29, of said bill, strike out "may be deemed by claimant", and insert "shall constitute".

Amendment No. 52

On page 7, line 31, of said bill, after "and", insert "rapid transit or other".

Amendment No. 53

On page 9, line 44, of said bill, after "county", insert ", city and county".

Amendment No. 54

On page 10, line 28, of said bill, strike out "or city", and insert ", city and county".

Amendment No. 55

On page 11, line 1, of said bill, strike out "more than".

Amendment No. 56

On page 11, lines 43 to 47, inclusive, of said bill, strike out "If the purpose of the taxation is to supply funds for investigating the project prior to the issuance of bonds and the payment of the officers and employees of the district prior to the time when the works of the district are earning revenue", and insert "Except for the purpose of servicing bonds, and for the payment of non-negotiable notes issued prior to the first tax levy for preliminary engineering and general administrative expenses".

Amendment No. 57

On page 11, line 51, of said bill, strike out "the works".

Amendment No. 58

On page 12 of said bill, strike out line 4, and insert "the boards of supervisors of the counties or the city and county".

Amendment No. 59

On page 12, lines 7 and 8, of said bill, strike out "of said counties", and insert a comma.

Amendment No. 60

On page 12, line 10, of said bill, strike out "county", and insert "other".

Amendment No. 61

On page 12, line 12, of said bill, strike out "the board", and insert "the council".

Amendment No. 62

On page 12, line 14, of said bill, after "counties", insert "and the city and county".

Amendment No. 63

On page 12, line 16, of said bill, after "under", insert ", not paid out of other funds".

Amendment No. 64

On page 12, line 18, of said bill, after "act", insert "if necessary".

Amendment No. 65

On page 12 of said bill, strike out line 26, and insert "SEC. 28. The auditors and tax collectors of the counties and city and county affected".

Amendment No. 66

On page 12, line 27, of said bill, after "with the", insert "appropriate".

Amendment No. 67

On page 12, line 28, of said bill, strike out "of his county".

Amendment No. 68

On page 12, line 29, of said bill, strike out "his office", and insert "their offices".

Amendment No. 69

On page 12, line 30, of said bill, strike out "him or his office", and insert "them".

Amendment No. 70

On page 12, line 35, of said bill, after "county", insert "or city and county".

Amendment No. 71

On page 12 of said bill, strike out lines 37 to 39, inclusive, and insert "or deducted. The board of supervisors may provide such extra help for its officers as in its judgment may be neces-".

Amendment No. 72

On page 12, lines 41 and 42, of said bill, strike out "of a county".

Amendment No. 73

On page 12, line 43, of said bill, after "county", insert "or city and county".

Amendment No. 74

On page 12, line 46, of said bill, after "county", insert "or city and county".

Amendment No. 75

On page 13, lines 10 and 11, of said bill, strike out "for county purposes".

Amendment No. 76

On page 13, line 12, of said bill, after "taxed", insert "for the payment thereof".

Amendment No. 77

On page 13, lines 16 and 17, of said bill, strike out "cars for transportation of mail and express".

Amendment No. 78

On page 13, line 39, of said bill, strike out "board of directors", and insert "council".

Amendment No. 79

On page 13, line 45, of said bill, after "each county", insert "and of the city and county".

Amendment No. 80

On page 13, line 52, of said bill, after "bonds", insert "hereafter referred to collectively in Sections 33 to 35, inclusive, as "bonds"".

Amendment No. 81

On page 14, line 2, of said bill, strike out "notes or revenue".

Amendment No. 82

On page 14, line 9, of said bill, after "sources", insert "except as otherwise provided in this act".

Amendment No. 83

On page 14, line 10, of said bill, strike out "notes or revenue".

Amendment No. 84

On page 14, line 14, of said bill, strike out "short term notes or revenue".

Amendment No. 85

On page 14 of said bill, strike out lines 16 to 18, inclusive, and insert "form, manner, terms and conditions of issuance of such bonds; and such bonds may be issued and sold from time to time as the".

Amendment No. 86

On page 16, line 31, of said bill, after "shall", insert ", subject to the provisions of this act,".

Amendment No. 87

On page 18, line 5, of said bill, after "indenture", insert "subject to the provisions of this act".

Amendment No. 88

On page 18 of said bill, strike out lines 34 to 36, inclusive.

Amendment No. 89

On page 18 of said bill, strike out lines 38 and 39, and insert "porated may be annexed to the district. A petition signed by the qualified electors".

Amendment No. 90

On page 18, line 42, of said bill, strike out "of said district".

Amendment No. 91

On page 18, lines 46 and 47, of said bill, strike out "of said district".

Amendment No. 92

On page 19 of said bill, strike out line 37, and insert "the electors, the council may call an".

Amendment No. 93

On page 19, line 38, of said bill, strike out "of such district".

Amendment No. 94

On page 19, lines 43 and 44, of said bill, strike out "of the district".

Amendment No. 95

On page 19, line 45, of said bill, after "be", insert "so".

Amendment No. 96

On page 19, line 46, of said bill, strike out "throughout the district".

Amendment No. 97

On page 20, line 14, of said bill, after "county", insert "and city and county".

Amendment No. 98

On page 20, line 15, of said bill, after "county", insert "and city and county".

Amendment No. 99

On page 20, line 20, of said bill, strike out "cities and the counties", and insert "counties, city and county and cities,".

Amendment No. 100

On page 20 of said bill, strike out line 22, and insert "taxable property in said city and county and cities and in the unincorporated".

Amendment No. 101

On page 20, line 24, of said bill, after "of the", insert "city and county and".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill No. 1466—An act to repeal Chapters 952 and 953 of the Statutes of 1939, relating to the regulation of loans and lenders.

Bill read third time, and presented by Senator McBride.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Dillinger, Dorsey, Drobish, Gibson, Judah, Kraft, McBride, Miller, O'Gara, Regan, Salsman, Sutton, Swing, Tenney, and Williams—21.

NOES—Senator Dilworth—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1926—An act to amend Section 16486 and to add Section 16486a to the Education Code, relating to absences of pupils for dental treatment.

Bill read third time, and presented by Senator Salsman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Johnson, Judah, Kraft, McBride, O'Gara, Regan, Salsman, Sutton, Swing, Tenney, Weybret, and Williams—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2980—An act to amend Sections 24402 and 24405 of the Education Code, relating to community recreation.

Bill read third time, and presented by Senator Dorsey.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Johnson, Judah, McBride, O'Gara, Regan, Salsman, Sutton, Swing, Tenney, Weybret, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1555—An act to add Section 6 to an act entitled "An act providing for the joint exercise of powers by public agencies," approved May 20, 1921, and to add Section 6513 to the Government Code, relating to privileges and immunities of officers and employees while acting under the joint exercise of powers by public agencies.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Johnson, Judah, Kraft, McBride, O'Gara, Regan, Salsman, Sutton, Swing, Tenney, Weybret, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1634—An act to amend Section 26743 of the Government Code, relating to sheriffs' fees.

Bill read third time, and presented by Senator Weybret.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Johnson, Judah, Kraft, McBride, O'Gara, Regan, Salsman, Sutton, Swing, Tenney, and Weybret—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 90—An act to add Sections 19564, 19565, and 19566 to the Business and Professions Code, relating to horse racing, providing for quarter horse races during horse racing meetings.

Bill read third time, and presented by Senator Swing.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Collier, Coombs, Cunningham, Dillinger, Donnelly, Dorsey, Gibson, Hatfield, Johnson, Judah, Kraft, McBride, O'Gara, Regan, Salsman, Sutton, Swing, Tenney, Weybret, and Williams—23.

NOES—None.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senators Weybret, Watson, and Tenney:

Senate Resolution No. 107

Relative to the creation of the Special Senate Committee to Investigate the State Department of Social Welfare

WHEREAS, Charges have been made that the Director of the Department of Social Welfare has permitted George H. McLain, a pension promoter, to act as the actual director of the State Department of Social Welfare to such an extent that he dictates who shall be named to fill the positions said director is required to fill; and

WHEREAS, It has been charged that, although he has no official connection with the department, McLain demands written reports from employees of the department, demands lobbying activities and personal loyalty to him from said employees, and has secured the dismissal of employees who refuse to comply with his demands; and

WHEREAS, It has been charged that Walter P. Chambers, Chief Administrative Officer for the department has not performed the duties of his office, although accepting compensation therefor, but has instead engaged in political activities, served under the actual direction of George H. McLain as said McLain's errand boy, and has reported directly to McLain and used a state car to transport said McLain on his private business; and

WHEREAS, If these charges are false the persons accused should be granted an opportunity to demonstrate that fact, but if such charges are true it is apparent that legislative action is necessary to prevent the needs of our elder citizens from becoming a pawn in the hands of a promoter having no statutory or constitutional duty to any one; now, therefore, be it

Resolved by the Senate of the State of California, As follows:

1. The Special Senate Committee to Investigate the State Department of Social Welfare is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the administration of the State Department of Social Welfare, and all facts relating to or in any way bearing upon the recitals of this resolution, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing thereon, and to report thereon to the Senate, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of seven members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, but not after final adjournment, with authority to file a final report not later than June 15, 1949.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the Committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The sum of _____ dollars (\$_____) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swing moved that Assembly Bill No. 983 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Salsman moved that Assembly Bill No. 431 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Salsman moved that Assembly Bill No. 434 be taken from the inactive file and placed on the second reading file.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)**SECOND READING OF SENATE BILLS**

Senate Bill No. 706—An act to amend Section 737jj of the Political Code, relating to the salary of judges of the superior court.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 684—An act to amend Sections 2, 3, 25, 26, 27, 28, and 29 of the Retirement Systems Act, relating to what constitutes a retirement system and the exemption of certain retirement systems from various provisions of the act.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1019—An act to provide for the expansion of publicly supported higher education by the establishment of a state college in, or adjacent to, the City of Los Angeles; and to repeal Chapters 1082 and 1089 of the Statutes of 1947, all relating to the system of publicly supported higher education.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 4, inclusive, and insert "An act to add Chapter 1.5 to Division 10 of the Education Code, relating to the".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 26, inclusive, and insert

"SECTION 1. Chapter 1.5 is added to Division 10 of the Education Code, to read:

**CHAPTER 1.5. THE PUBLICLY SUPPORTED SYSTEM
OF HIGHER EDUCATION**

20260. The publicly supported system of higher education is composed of the junior colleges, the state colleges, and the University of California. Each of the component parts of the system has a primary function separate and distinct from that of the other parts. The fulfillment of each of the parts of the system can be achieved only by the administration of each within its own area, independently of any of the other parts.

20261. In conformity with the policy set forth, and notwithstanding any provision of law to the contrary, no state college or division of the University of California shall be maintained on the campus of any junior college except for such period as may be required by the State to provide a campus for such state college or division of the University of California, nor shall any junior college be maintained on the campus of a state college or division of the University of California except for such period, not to exceed five years from the effective date of this section as may be necessary for the governing board of the district maintaining the junior college to provide a campus for the junior college."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 274—An act to amend Section 3122 of the Education Code, relating to the Public School System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "3122", and insert "16272".

Amendment No. 2

In line 2 of the title of said bill, strike out "Public School System", and insert "operation of school busses".

Amendment No. 3

On page 1, line 1, of said bill, strike out "3122", and insert "16272".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 4

On page 1 of said bill, strike out lines 3 to 7, inclusive, and insert "16272. The State Board of Education may adopt reasonable regulations relating to the construction, design, operation, equipment, and color of school busses. No regulation relating to the construction, design, or color of school busses shall apply to busses purchased prior to September 15, 1935. Any school bus repainted after September 15, 1935, shall be painted to conform to all the regulations relating to the color of school busses. The regulations, if approved by the Chief of the California Highway Patrol, shall be enforced by the California Highway Patrol. The State Board of Education may issue an order prohibiting the operation [on public streets and highways] of any school bus which does not comply with the regulations, and the order shall be enforced by the California Highway Patrol."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 526—An act to amend Section 1 of an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City of Santa Monica upon certain trusts and conditions," approved April 16, 1917, relating to the use of certain tidelands and submerged lands granted to the City of Santa Monica.

Bill read second time, and ordered to third reading.

Assembly Bill No. 3149—An act to amend Section 24.5 of the Construction and Employment Act, relating to the construction of sewage projects pursuant to said act, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1304—An act to amend Section 13661 of the Government Code, relating to the distribution of state publications.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out lines 13 to 20, inclusive, and insert "for such distribution. The State Printer shall deliver 100 copies of all legislative publications including committee reports to the Secretary of State."

The Secretary of State shall maintain a room for the filing of all bills, laws, resolutions, journals and committee reports for all prior sessions of the Legislature for the use of the Members of the Legislature, other state officers and the public."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 2020—An act to repeal "An act to provide for the licensing, visitation and supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto," approved May 31, 1943.

Bill read second time, and ordered to third reading.

Assembly Bill No. 465—An act to amend Section 1752.2 of the Welfare and Instructions Code and to add Section 5058.1 to the Penal Code, relating to leaves of absences of employees required by the State Personnel Board to possess teaching certificates, to attend educational sessions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2902 An act to add Section 11005.6 to the Government Code, relating to acquisition of real property by state agencies, and providing for referral of proposed acquisitions to local planning agencies and for approval thereof by the State Public Works Board.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, lines 8 and 9, of the printed bill as amended in the Assembly on April 29, 1949, strike out "planning agency", and insert "legislative authority".

Amendment No. 2

On page 1, line 10, of said bill, strike out the period, and insert ", which approval shall be in writing and filed with the Director of Finance. Nothing in this section shall affect the power of the Public Works Board to purchase the property."

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 467—An act to amend Section 3045 of the Penal Code, relating to paroles.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 69—An act to amend Section 707.5 of the Agricultural Code, relating to penalties for delinquent licensee fees under the Milk and Milk Products Act of 1947.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 26, of the printed bill as amended in the Senate on May 12, 1949, strike out "50", and insert "25".

Amendment read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1379—An act to amend Sections 317 and 319 of the Education Code, relating to the compensation of members of county boards of education.

Bill read third time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "shall", and insert "may".

Amendment No. 2

On page 1 of said bill, strike out lines 5 to 7, inclusive, and insert "ten dollars (\$10) a day for his services, and to each member who uses a privately owned automobile in the discharge of necessary official duties as a member of the county board of education seven cents (\$0.07) a mile for the first 300 miles, six cents (\$0.06) a mile for the next 400 miles, and five cents (\$0.05) a mile for mileage in excess of 700 miles. The mileage rates allowed in this section should be based on the total mileage claimed in a calendar month."

Amendment No. 3

On page 1, line 9, of said bill, strike out "shall", and insert "may".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Concurrent Resolution No. 65: By Senators Dorsey, Cunningham, and Williams—Relative to the creation of a Joint Legislative Committee on Soil Conservation and defining its powers and duties.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Water Resources**

SENATE CHAMBER, SACRAMENTO, May 23, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred: Senate Bill No. 724

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

DONNELLY, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 23, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:
Senate Bill No. 1632

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

DONNELLY, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 23, 1949

MR. PRESIDENT: The Committee on Water Resources, to which was referred:
Senate Bill No. 1436

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

DONNELLY, Chairman

Above reported bill ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, May 23, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 2106

Assembly Bill No. 2109

Assembly Bill No. 2107

Assembly Bill No. 2308

Assembly Bill No. 2108

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

PARKMAN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 23, 1949

MR. PRESIDENT: The Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 1893

Assembly Bill No. 2305

Assembly Bill No. 2302

Assembly Bill No. 2306

Assembly Bill No. 2303

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

PARKMAN, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 4.40 p.m., on motion of Senator Sutton, the President declared the Senate adjourned until 1.30 p.m. Tuesday, May 24, 1949.

JOHN F. LEA, Minute Clerk



CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTY-EIGHTH LEGISLATIVE DAY

ONE HUNDRED FORTY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, May 24, 1949

The Senate met at 1:30 p.m.

Hon. Goodwin J. Knight, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittender, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Powers, on motion of Senator Salsman, due to illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. V. Van Bever and Gilbert Carter of Grass Valley.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ross McKee of San Francisco.

On request of Senator Tenney, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Col. Rex Hardy of Los Angeles.

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arthur Buel of Sacramento.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Louis Asman, Mrs. Elsie Jones, Frank Lucido, Edward E. Rhodes of Bodego Bay, Walter Christensen of Santa Rosa, Max Flohr and Joe Milner of Petaluma.

On request of Senator Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Farley A. Abshire and Mrs. A. C. Abshire of Geyserville.

On request of Senators Keating and Abshire, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jim W. Kelgan, Howard Lawson and Gibbs Lawson of Dillon Beach.

On request of Senator Busch, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ernie Titus of Point Arena.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Walter Boland, Charles H. Holt, teachers, Larry Haun, and the following students of the Eighth Grade Class of Larkspur School at Larkspur: Norman Ash, Gene Auterson, Bob Bowman, Norman Cole, Frank DeSouza, Melvin Dollahite, Arthur Donati, Thomas Frederick, Robert Gaskin, Robert Good, Stanley Greer, Louis Holton, Mathew Keller, Don Kerbs, Frank Mantellina, Arthur McKay, Jack McKenna, Jim Niven, "Mack" Purell, Robert Talley, Alan White, Larry Whitson, Patricia Boland, Kathryn Cazneau, Eunice Cherry, Joan Coverdale, Shirley Estby, Merle Ensler, Shirley Geister, Charla-Jane Greif, Betty Holton, Laura Keenan, Wilma Kreuter, Jacqueline Luce, Sally McGrew, Roberta Murphy, Antoinette Petty, Shirley Price, Shirlee Ritter, Sandra Vivell, Wanda Wasilewski, and Carol Wikel.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Melvin C. Pugh, principal, and the following students of Oak View Union School of Acampo: Dolores Hiel, Rebecca Wyrick, Roberta Wyrick, Sue Lundahl, June Bradley, Annabelle Young, Bonnie Meeks, Bonnie Bogart, Margaret Ogren, Shirley Stoddard, Ruth Bawcom, Patricia Reiswig, Sandra Myers, David Murray, Henry Goff, Jr., Milo Dickhoff, Ronnie Hiel, Bill Case, Donald Schmierer, James Koehler, Robert Seifert, Robert Stribling, Marvin McMullen, Junior Walton, Asa Koyama, Tim Sullivan, Davie Lea Paul.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Constance Gotaas, Aileen Warnken, Mrs. Gertrude Coats, and Robert Luther, teachers, and the following students of the Fruit Ridge School, Sacramento County: Lillian Andreatta, Nadine Balliet, Charlene Baty, Thelma Davault, Maria Echevarria, Carylann Finch, Virginia Hamilton, Barbara Hansen, Vida Hardy, Charleen Jackson, Ingaly Jacobson, Janet Jerke, Rae Kauffman, Georgene Lewis, Arlene Nasca, Emily Pendleton, Gladys Porteous, Loretta Roberts, Doris Rogers, Shirley Self, Melva Sisney, Betty Smith, Nancy Waters, Jerry Blair, Aubrey Campbell, David Cruz, Jimmie Greene, Lee Jackson, Carrol Johnson, Richard

Nordstrom, Norman Repanich, Peter Sarellana, Don Sentz, Jimmie Stephenson, Don Story, Don Thompson, David Winn, Don Woods, Billy Baldwin, Donald Buno, Gregory Cecchetti, Fred Contreras, James Craig, Donald Davis, Billy Finnegan, Bobby Halstead, Jack Hughes, Carl Hulman, Sergay Ivazian, James Knight, George Mallet, David Mello, Richard McCrum, Richard McEntee, Monte Morse, Frank Nasca, Glen Nelson, Billy Peddler, William Peters, Bobby Willis, Robert Wilson, Carol Aasletten, Dorothy Brown, Florence Finch, Marlene Guthmiller, Mary Jane Horton, Lorraine Huntley, Jeannene Ingram, Billie Jean Johnson, Jackie Jones, Eileen Reich, Shirley Ruedger, Eileen Scheid, Patricia Taylor, Margaret Asher, Shirley Brown, Marie Dutra, Eva Elliott, Mary Elliott, Donna Farquhar, Maryann Florio, Barbara Frasinetti, Helen Giles, Barbara Jean Gonzales, Elaine Hartley, Jeanne Hendon, Darlene Ilsohn, Lubertha Lester, Lucille Meder, Marlene Mello, Joyce Rounds, Janet Schultz, Jacquelyn Shaw, Marlene Shoup, Dorothy Taylor, Nordine Walery, Jane Wentworth, Leonard Abbott, George Babb, Jack Brooks, John Chinca, Gary Cantwell, Anthony DiDonna, James Dole, Henry Fernandez, Joseph Latona, Hector Leslie, Chester Lopez, Bobby Maciel, Harold Marston, Gary Oliphant, Blake Schoonover, Walter Adamson, Dennis Avery, Isadore Beivelman, David Crowdis, Ralph Fitzpatrick, Edward Fry, Bobby Gentle, Leland Hales, Michael O'Kane, Jim Payne, Billy Smith, Clark Smith, Duane Thompson, Carlos Vasquez, Jerry Warren, David Wilkinson, Patricia Burnip, Pauline Cotton, Katherine Craig, Fauneil Garner, Jean Handley, Eugenia Hinkle, Linda Hoeger, Beverly Johnson, Carolyn Mendonsa, Cora Mae Menebroker, Fremma Mills, Marlisie Ogden, Janet Shank, Nancy Smoot, Carol Stapp, Reba Stevens, and Anne Thurs.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Fern Bacon, principal, Mrs. Virginia Hubach and George Cline, teachers, and the following eighth grade students of the Pacific School, Sacramento County: Margaret Adams, Billy Barbee, Joan Brandell, Jack Brown, Densil Carney, Edward Ervin, Mickey Kane, Mabel Lang, Robert Lew, Charles Marshall, Glen McClary, Thelma McVay, Oliver Neves, Mary Cooper, Roberta Daniels, Nick Kamilos, Madena Kamilos, Johnny Glacken, Donald Gaylord, Jon Sparks, Haricleia Premolos, Joe Anne Pierce, Joanne Hilton, Beverly Rose, Eileen Terras, Virginia Starnes, Lorraine Scarbrough, Helen Thomas, Shirley Sullivan, Johnny Wright, George Wagner, Jack Wagner, Ronald Wakefield, and Audrey Yule.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mary H. Drake, principal, and the following students of the Beaver Union School of Ryde: Margaret Barrera, Diane Gwerder, Diane Dianda, Diane Michell, Dolores Morais, Shirley Silva, Melva Stephens, Lorraine Rorman, Jennie Rocha, Joyce Yoshida, Larry Price, Leroy Furtado, Joe Terry, Barry Forrester, Richard Huston, Harold Stiles, Joyce Giovannoni, Isobel Menezes, Kay Mendenhall, Anne Sturtz, Delta Dearman, Bobby McIntosh, Jessie Luna, and Setsuyo Tokuyoshi.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senators Walter H. Duval of Santa Paula and Ed H. Tickle of Carmel.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Walter Misenhimer of Hanford.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Pauline Watson of Stockton.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Theodore A. Kolb, Esq., Edward Heavey, Esq. and Ernest Draper Howard of San Francisco.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

DEPARTMENT OF STATE
WASHINGTON, May 19, 1949

MY DEAR MR. BECK: I have received your letter with which you enclosed a copy of Senate Joint Resolution No. 22 relating to the recent acts of religious persecution in Eastern Europe which was adopted by the Legislature of the State of California on April 12, 1949.

The department is glad to be informed of the observations of the members of the California State Legislature which are an expression of their deep interest, and encloses for their information material concerning this Government's position in the matter.

The Voice of America has broadcast in full the views expressed by responsible officials of this Government and also is carrying the comments of other representative public figures throughout the world who have denounced these actions of religious persecution. Through this channel the peoples of Eastern Europe are directly aware that the violation of their rights and freedoms is looked upon by the peoples of the United States and other democratic countries as a threat to the existence of human rights and freedoms everywhere.

The department is giving close attention to the issues involved and is considering carefully all possible steps which may be practicable.

Sincerely yours,

For the Secretary of State:

FRANCIS H. RUSSELL, Director, Office of Public Affairs

Enclosure:

Release 77.

DEPARTMENT OF STATE

FOR THE PRESS

February 9, 1949
No. 77

STATEMENT BY SECRETARY OF STATE DEAN ACHESON

The trial of Jozsef Cardinal Mindszenty, upon whom the Hungarian Government has now imposed a sentence of life imprisonment, confirms the Government and people of the United States in the views expressed by the Acting Secretary of State on December 29, 1948. By this conscienceless attack upon religious and personal freedom, as well as by the persecution of Lutheran Bishop Lajos Ordass and other respected church leaders, the Soviet controlled Hungarian authorities seek to discredit and coerce religious leadership in Hungary in order to remove this source of moral resistance to Communism.

In their conduct of the case of Cardinal Mindszenty, the Hungarian authorities do not appear to have omitted any of the usual methods practiced by a police state. Such proceedings constitute not the administration of justice but wanton persecution. They have evoked universal condemnation, and the Hungarian Government must bear full responsibility for its action.

The cases of Cardinal Mindszenty and other Hungarian church leaders are not isolated developments. During the past two years, with governmental power entirely in the hands of the minority Communist party, the people of Hungary have been increasingly denied the exercise of fundamental human rights and freedoms. Parliamentary opposition, an element indispensable to the democratic process, has been ruthlessly eliminated, the totalitarian controls of State and Party have been laid like a deadening hand upon every phase of daily personal existence, and the Hungarian people have been divested of any real independence.

The people of the United States, and, without question, peoples of other freedom loving nations, are sickened and horrified by these developments and fully comprehend the threat they constitute to free institutions everywhere.

Senator Salsman Presiding

At 1.45 p.m., Senator Byrl R. Salsman, Vice Chairman of the Committee on Rules of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 244

Assembly Bill No. 323

Assembly Bill No. 471

Assembly Bill No. 1360

Assembly Bill No. 1788

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns pursuant to your request:

Assembly Constitutional Amendment No. 24

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By M. D. RILEY, Assistant Clerk

Above resolution ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1092

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

Above bill ordered enrolled.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 23, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 388—An act to amend Section 483 of the Vehicle Code, relating to striking an unattended vehicle;

Senate Bill No. 976—An act to add Article 4, comprising Sections 1610 to 1620, inclusive, to Chapter 4, Part 2, Division 1 of the Insurance Code, relating to actions in this State against nonadmitted insurers;

Senate Bill No. 1073—An act to add Sections 11, 12, 13, 14, and 15 to an act entitled "An act to provide for the maintenance of storm drain improvements, and of other watercourses or drainage channels; the formation, management, alteration of boundaries, and dissolution of storm drain maintenance districts; defining the powers of the board of supervisors and the county surveyor relative to such districts and providing for the levy and collection of taxes to defray the expenses thereof," approved May 11, 1937, and to renumber the existing sections of 11 and 12 of said act, relative to storm drain maintenance districts;

Senate Bill No. 1253—An act to amend Section 701 of the Agricultural Code, relating to containers for milk or milk products;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-third day of May, 1949, at 5 p.m.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 23, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 61—Relative to Park and Recreation Week; And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twenty-third day of May, 1949, at 5 p.m.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 684

Senate Bill No. 706

And reports the same correctly engrossed.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 69

Senate Bill No. 437

Senate Bill No. 1213

And reports the same correctly re-engrossed.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Resolution No. 105

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

SALSMAN, Vice Chairman

Above reported resolution ordered to third reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 252

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Rules, to which was referred:

Senate Resolution No. 101

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 5; committee vote: Ayes 4; absent 1.

SALSMAN, Vice Chairman

Above reported resolution ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Senator O'Gara asked for, and was granted, unanimous consent to take up Senate Resolution No. 101, at this time, for consideration.

CONSIDERATION OF SENATE RESOLUTION NO. 101

Senate Resolution No. 101—Relative to an investigation of the publication "Alert" and related matters.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

Strike out the first three lines of the printed resolution and insert
"Resolved, That the Committee on Rules or a committee of five (5) Members of the Senate appointed by the Committee on Rules, shall fully investigate all matters concerning:"

Amendment No. 2

Strike out paragraph 3 of the printed resolution.

Amendments read, and adopted.

Resolution ordered amended, and to third reading.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Rules has appointed Senator Keating to serve as a member of the Committee on Interstate Cooperation under the provisions of Senate Resolution No. 17, 1949, to take the place of Senator Brown, resigned.

SALSMAN, Vice Chairman

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Crittenden:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 6272 and 6274 of the Harbors and Navigation Code, relating to harbors, ports and navigation.

Respectfully submitted,

SENATOR CRITTENDEN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 24, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SALSMAN, Vice Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—30.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Abshire:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act creating the "Sonoma County Flood Control and Water Conservation District" for the controlling, conservation, diversion, storage and disposition of storm,

flood, and other surface waters, prescribing the boundaries, organization, operation, management, financing and powers and duties of the district.

Respectfully submitted,

SENATOR ABSHIRE

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 24, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SALSMAN, Vice Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1636: By Senator Crittenden—An act to amend Sections 6272 and 6274 of the Harbors and Navigation Code, relating to harbors, ports and navigation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1637: By Senator Abshire—An act creating the "Sonoma County Flood Control and Water Conservation District" for the controlling, conservation, diversion, storage and disposition of storm, flood, and other surface waters, prescribing the boundaries, organization, operation, management, financing and powers and duties of the district.

Referred to Committee on Water Resources.

REQUEST FOR UNANIMOUS CONSENT

Senator Desmond asked for, and was granted, unanimous consent to take up Assembly Constitutional Amendment No. 24, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY CONSTITUTIONAL
AMENDMENT NO. 24**

Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1d to Article IV thereof, relating to measures submitted to the voters.

Resolution read.

Motion to Amend

Senator Desmond moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 10, of the printed measure, after "individuals", insert "by name or names".

Amendment read, and adopted.

Resolution ordered printed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 581

Senator Dilworth moved that Senate Bill No. 581 be withdrawn from Committee on Public Health and Safety for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 581—An act to amend Sections 3301.5 and 3301.6 of the Health and Safety Code, relating to state grants-in-aid to counties, cities and counties, and cities for the treatment and care of persons suffering from tuberculosis, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Dilworth moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out lines 9 and 10, and insert "two dollars and ninety cents (\$2.90) per patient day."

Amendment No. 2

On page 1 of said bill, strike out lines 13 and 14, and insert "two dollars and fifty-five cents (\$2.55) per patient day."

Amendment No. 3

On page 1 of said bill, strike out lines 17 and 18, and insert "one dollar and ninety-five cents (\$1.95) per patient day."

Amendment No. 4

On page 2 of said bill, strike out lines 10 and 11, and insert "two dollars and ninety cents (\$2.90) per patient day."

Amendment No. 5

On page 2 of said bill, strike out lines 14 and 15, and insert "two dollars and fifty-five cents (\$2.55) per patient day."

Amendment No. 6

On page 2 of said bill, strike out lines 18 and 19, and insert "one dollar and ninety-five cents (\$1.95) per patient day."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 720

Senator Dilworth moved that Senate Bill No. 720 be withdrawn from Committee on Public Health and Safety for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 720—An act making an appropriation to the State Department of Public Health for tuberculosis subsidies under Division 4 of the Health and Safety Code.

Bill read second time.

Motion to Amend

Senator Dilworth moved the adoption of the following amendment:

Amendment No. 1

Strike out line 3 of the printed bill, and insert "of nine hundred fifty thousand dollars (\$950,000) or so much thereof as may be".

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 724—An act to add Sections 15a and 68a to the County Water District Act and Sections 31416 and 32858 to the Water Code, relating to dissolution of county water districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

On page 1, line 4, of the printed bill, after "indebtedness", insert ", is not operating a water system, and has not bona fide contracted for the construction of an adequate water system for the district,".

Amendment No. 2

On page 1, line 12, of said bill, after "indebtedness", insert ", is not operating a water system, and has not bona fide contracted for the construction of an adequate water system for the district,".

Amendment No. 3

On page 1, line 24, of said bill, after "indebtedness", insert ", is not operating a water system, and has not bona fide contracted for the construction of an adequate water system for the district,".

Amendment No. 4

On page 2, line 4, of said bill, after "indebtedness", insert ", is not operating a water system, and has not bona fide contracted for the construction of an adequate water system for the district,".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1632—An act to add Sections 20.5, 20.6, 20.7, 49.5, and 81 to an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, relating to water conservation districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1436—An act to amend Section 330.24 of the Civil Code, relating to mutual water companies.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2106—An act to amend Section 9173 of the Revenue and Taxation Code, relating to actions for the recovery of overpayments of use fuel tax.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 4 of the printed bill, strike out "ninety days", and insert "one year".

Amendment No. 2

In line 6 of said bill, strike out "ninety days", and insert "year".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2107—An act to amend Section 8148 of the Revenue and Taxation Code, relating to actions for the recovery of overpayments of motor vehicle fuel license tax.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 3 of the printed bill, strike out "ninety days", and insert "one year".

Amendment No. 2

In line 6 of said bill, strike out "ninety days", and insert "year".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2108—An act to amend Section 10278 of, and to add Sections 9781 and 10253.5 to, the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1, lines 3 and 4, of the printed bill as amended in the Senate on May 11, 1949, strike out "ninety days", and insert "one year".

Amendment No. 2

On page 1, line 5, of said bill as amended, strike out "ninety days", and insert "year".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2109—An act to amend Section 11573 of the Revenue and Taxation Code, relating to actions for the recovery of overpayments of private car tax.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In lines 3 and 4 of the printed bill, strike out "ninety days", and insert "one year".

Amendment No. 2

In line 6 of said bill, strike out "ninety days", and insert "year".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2308—An act to amend Section 6487 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1, line 14, of the printed bill, strike out "eight", and insert "five".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1893—An act to amend Section 214 of the Revenue and Taxation Code, relating to exemptions from taxation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2302—An act to amend Sections 6902, 6903, and 6907 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2303—An act to amend Section 6362 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2305—An act to amend Sections 6901 and 6981 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2306—An act to amend Sections 6481, 6511, and 6907 of the Revenue and Taxation Code, relating to sales and use taxes, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 616—An act to amend Sections 452 and 459.2 of, and to add Sections 454.1 and 469.1 to the Vehicle Code, relating to the regulations of traffic on highways.

Bill read second time.

Motion to Amend

Senator Collier moved the adoption of the following amendments:

Amendment No. 1

Strike out lines 1 and 2 of the title of the printed bill, as amended in Senate April 27, 1949, and insert
"An act to add Section 454.1 to the".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 10, inclusive, and insert
"SECTION 1. Section 454.1 is added to the Vehicle Code, to".

Amendment No. 3

On page 1 of said bill, strike out lines 20 to 25, inclusive, and strike out pages 2 and 3.

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 983 An act authorizing the Director of Finance, with the approval of the Director of the Department of Mental Hygiene, successor in interest of Norwalk State Hospital, to exchange certain lands with the Atchison, Topeka and Santa Fe Railway Company, a corporation, in the County of Los Angeles, State of California.

Bill read second time, and ordered to third reading.

Assembly Bill No. 431—An act to add Section 15 to an act entitled the "State Aeronautics Commission Act," relating to liability of aircraft owners, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 434—An act to amend Section 499b of, and to add Section 499d to the Penal Code, relating to unauthorized taking or operation of vehicles or aircraft.

Bill read second time, and ordered to third reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Hulse moved that Assembly Bill No. 678 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Tenney moved that Senate Bill No. 293 be taken from the inactive file and placed on the second reading file.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS**

Senate Bill No. 558—An act to add Section 16.5 to the Fish and Game Code, relating to the taking of deer in game refuges.

Motion to Rescind Action on Senate Bill No. 558

Senator Collier moved that the Senate rescind its action whereby the Senate passed Senate Bill No. 558.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, Mayo, McBride, Parkman, Regan, Rich, Salsman, Swing, Tenney, Watson, Weybret, and Williams—29.

NOES—None.

Senate Bill No. 699—An act to add Section 16.4 to the Fish and Game Code, relating to the taking of female deer.

Motion to Rescind Action on Senate Bill No. 699

Senator Collier moved that the Senate rescind its action whereby the Senate passed Senate Bill No. 699.

The roll was called, and the motion carried by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Motion to Return Senate Bills Nos. 558 and 699 to the Assembly

Senator Collier moved that the Secretary of the Senate be instructed to return to the Assembly Senate Bills Nos. 558 and 699, and request that they rescind their action whereby Senate Bills Nos. 558 and 699 were passed.

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill No. 150—An act to add Section 332.1 to the Vehicle Code, relating to impounding of vehicles.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 150?

Amendment No. 1

On page 1, line 11, of the printed bill, as amended in the Senate on April 7, 1949, following the period, insert "Regardless of the foregoing, any motor vehicle impounded pursuant to this section which is subject to a chattel mortgage, conditional sale contract, or lease contract shall be released by the court to the legal owner upon the filing of an affidavit by the legal owner that the chattel mortgage, conditional sale contract, or lease contract is in default and shall be delivered to the legal owner upon payment of the accrued cost of keeping such motor vehicle."

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 150 by the following vote:

AYES—None.

NOES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: The Committee on Rules announces the appointment of Senators Dillinger, Judah, and Drobish as a Senate Committee on Conference concerning Senate Bill No. 150 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES
SALSMAN, Vice Chairman

Consideration of Assembly Amendments

Senate Bill No. 514—An act to add Sections 9027, 9028, 9029, and 9030 to the Government Code, creating the Senate Contingent Fund and the Assembly Contingent Fund in the State Treasury, specifying the appropriations to be deposited therein, and providing for the disbursement thereof upon warrants drawn by the State Controller at the direction of the continuing Senate Committee on Rules or the continuing Assembly Legislative Process Committee, respectively, or pursuant to Senate or Assembly rule, order, or resolution.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 514?

Amendment No. 1

Strike out the title of the printed bill, and insert:

"An act to add Sections 9027, 9028, 9029, and 9030 to the Government Code, creating the Senate Contingent Fund and the Assembly Contingent Fund in the State Treasury, specifying the appropriations to be deposited therein, and providing for the disbursement thereof upon warrants drawn by the State Controller at the direction of the continuing Senate Committee on Rules or the continuing Assembly Legislative Process Committee, respectively, or pursuant to Senate or Assembly rule, order, or resolution."

Amendment No. 2

On page 2 of the printed bill, after line 10, insert:

"SEC. 3. Section 9029 is added to said code, to read:

9029. The Assembly Contingent Fund is hereby created in the State Treasury. Each appropriation for expenses of the Assembly (including contingent expenses and expenses of committees composed in whole or in part of Members of the Assembly, but not including any appropriation for pay of officers, clerks, attaches, or other employees of the Assembly) shall be deposited in and credited to the Assembly Contingent Fund and expended for the purposes for which the appropriation is made. The expenditure from said fund for any purpose shall not exceed the amount of money credited to said fund by virtue of appropriations made for that purpose. The Controller shall keep a separate record of each appropriation deposited in and credited to said fund.

SEC. 4. Section 9030 is added to said code, to read:

9030. The moneys from time to time in the fund shall be disbursed under or pursuant to the direction of the Assembly as provided in the rules, orders, and resolutions of the Assembly, or as provided by the Assembly Legislative Process Committee (which committee has a continuing existence during sessions and between sessions with such powers, duties and responsibilities as the Assembly from time to time shall prescribe) as and when thereunto authorized by the Assembly. The moneys in the fund shall be disbursed, and the powers, duties and responsibilities of the Assembly Legislative Process Committee shall be as prescribed or provided by the rules, orders, and resolutions adopted by the Assembly at the 1949 Regular Session until modified or superseded by Assembly action at a subsequent session.

Expenditures from the fund are not subject to the provisions of Section 16003 or Section 13320 of this code, except that the State Controller is not required to draw warrants thereon until the original claims and vouchers, itemized and properly sworn to, are filed with him."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 514 by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Parkman, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 624—An act to amend Section 65 of the Labor Code, relating to conciliation and arbitration of labor disputes.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 624?

Amendment No. 1

On page 1, line 12, of the printed bill, as amended in the Senate on April 7, 1949, after the period, insert "Records of the department relating to labor disputes are confidential; provided, however, that any decision or award arising out of arbitration proceedings shall be a public record."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 624 by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 895—An act to amend Section 28133 of the Government Code and Section 737ee of the Political Code, relating to compensation for public services in counties of the thirty-third class.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 895?

Amendment No. 1

In line 1 of the title of the printed bill, after "Code", insert "and Section 737ee of the Political Code".

Amendment No. 2

On page 1, lines 10 and 11, of said bill, strike out "two thousand four hundred dollars (\$2,400)", and insert "three thousand dollars (\$3,000)".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 2 of said bill, after line 15, insert

"SEC. 2. Section 737ee of the Political Code is amended to read:
737ee. The annual salary of the judge of the Superior Court in and for the County of Placer is [eight] eleven thousand dollars [(\$8,000)] (\$11,000)."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 895 by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Above bill ordered enrolled.

Senator Keating Presiding

At 2:25 p.m., Senator Thomas F. Keating of the Thirteenth District, presiding.

Consideration of Assembly Amendments

Senate Bill No. 965—An act to amend Section 4256 of the Business and Professions Code, relating to fees charged by the California State Board of Pharmacy, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 965?

Amendment No. 1

On page 1, line 16, of the printed bill, as amended in the Senate on April 29, 1949, following "\$25.00).", insert

"This sub section shall not become effective until August 1, 1949."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 965 by the following vote:

AYES—Senators Abshire, Brown, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 1172 An act to add Section 566 to the Vehicle Code, relating to skiing and tobogganing on or across state highways.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1172?

Amendment No. 1

On page 1, line 6, of the printed bill, after the period, insert "A person on skis proceeding on or across a highway at a pace no greater than a walk is not within the prohibition of this section and shall be considered to be a pedestrian with all the rights and duties thereof as prescribed in this code."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1172 by the following vote:

AYES—Senators Abshire, Brown, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—33.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 88—An act to add Chapter 4 to Part 2, Division 8 of the Harbors and Navigation Code, relating to the power of a harbor improvement district to improve, develop or protect any harbor or harbors within the district.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 88?

Amendment No. 1

On page 2 of the printed bill, as amended in the Senate on April 14, 1949, after line 29, insert

"The board may issue no bonds hereunder unless the incurring of the bonded indebtedness for the improvement, development, protection and maintenance of such additional harbor or harbors shall first have been approved at an election held in the

manner provided in Article 3, Chapter 1, Part 2 of Division 8 of this code, and pursuant to the provisions of said article with reference to the incurring of bonded indebtedness."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 88 by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 95—An act to repeal Article 4 of Chapter 1 of Division 20, consisting of Sections 24150 and 24151, of the Health and Safety Code, and to add Sections 267 and 268 to the Harbors and Navigation Code, relating to regulation of power boats and motorboat races.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 95?

Amendment No. 1

On page 1 of the printed bill, between lines 16 and 17, insert

"The provisions of this section shall apply to all waters which are in fact navigable regardless of whether they are declared navigable by this code."

Amendment No. 2

On page 1 of said bill, after line 24, insert

"The provisions of this section shall apply to all waters which are in fact navigable regardless of whether they are declared navigable by this code."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 95 by the following vote:

AYES—Senators Abshire, Brown, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, O'Gara, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—27.

NOES—None.

Above bill ordered enrolled.

Senator Salsman Presiding

At 2.30 p.m., Senator Byrl R. Salsman, Vice Chairman of the Committee on Rules of the Senate, presiding.

CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Senate Bill No. 437 was taken up.

Senate Bill No. 437—An act to amend Section 11611 of the Business and Professions Code, relating to streets and easements in real estate subdivisions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, O'Gara, Rich, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS

Senate Bill No. 1005—An act to amend Sections 29001, 29020, 29022, 29023, 29026, and 29031 of, and to add Sections 29012, 29013, and 29014 to the Health and Safety Code, relating to dangerous drugs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Tenney, Ward, Watson, and Williams—31.

NOES—Senator Burns—1.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator O'Gara asked for, and was granted, unanimous consent to have Senate Bills Nos. 1387 and 1626 passed on file and retain their place on file until the next legislative day.

Senate Bill No. 69—An act to amend Section 707.5 of the Agricultural Code, relating to penalties for delinquent licensee fees under the Milk and Milk Products Act of 1947.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, Miller, Parkman, Regan, Rich, Salsman, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 393—An act to amend Sections 730.2, 731, 733.4, and 734 of, and to add a new Article 3, consisting of Section 734.5 to, the Agricultural Code, relating to the marketing of milk and other dairy products.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, Parkman, Regan, Rich, Salsman, Sutton, Tenney, Ward, Watson, and Williams—31.

NOES—None.

Motion to Amend Title

Senator Desmond moved the adoption of the following amendment to the title:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Senate on May 19, 1949, after "734.5", strike out "to", and insert ", to Chapter 12, Division 4 of".

Amendment read, and adopted.

Senate Bill No. 393 ordered printed and transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 1213—An act to amend Sections 12463 and 12464 of, to repeal Sections 50054 to 50059, inclusive, of, and to add Section

12463.1 and Article 9, comprising Sections 53890 to 53896, inclusive, to Chapter 4, Part 1, Division 2, Title 5 of, the Government Code, relating to the compilation and publication of reports of the financial transactions of local agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drabish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, and Williams—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator McBride Presiding

At 3 p.m., Senator James J. McBride of the Thirty-third District, presiding.

Senate Bill No. 605—An act to amend Sections 11493, 11503, and 11508 of, and to add Sections 11511 and 11515 to the Insurance Code, relating to nonprofit hospital service corporations and plans.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Drabish, Gibson, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to have Senate Constitutional Amendment No. 1 passed on file and retain its place on file until the next legislative day.

Senate Bill No. 706—An act to amend Section 737jj of the Political Code, relating to the salary of judges of the superior court.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 684—An act to amend Sections 2, 3, 25, 26, 27, 28, and 29 of the Retirement Systems Act, relating to what constitutes a retirement system and the exemption of certain retirement systems from various provisions of the act.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Senate May 4, 1949, after the comma, insert "and to amend Sections 28001, 28002, 28100, 28101, 28102, 28103, 28104, 28301, and 28402 of, and to add Section 28002.5 to, the Corporations Code,".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 2

On page 3, after line 6, insert

"SEC. 8. Section 28001 of the Corporations Code is amended to read:

28001. As used in this division, "employer" [means any person, firm, corporation, or group of corporations having business interests in common, for the benefit of whose employees a retirement system is established or is proposed to be established.] *includes any organization of employers.*

SEC. 9. Section 28002 of said code is amended to read:

28002. As used in this division, ["employee" includes the officers, agents, and other persons employed by any employer or organization of employers.] *"employees" means the employees of any employer.*

SEC. 10. Section 28002.5 is added to said code, to read:

28002.5. As used in this division, "a retirement system" means a trust formed for the purpose of providing benefits on account of members retiring by reason of age or length of service or both.

SEC. 11. Section 28100 of said code is amended to read:

28100. The provisions of this division, other than [Section 28006.] *Sections 28004, 28005, 28006, 28301, and 28402,* do not apply to a retirement system established by the Government of the United States, or by any territory or insular possession thereof, or by the State of California or any county, city, municipal corporation, school district, or public district thereof, or by any group of employees of any of the foregoing governmental agencies, nor to the pension and retiring annuities system established by the Regents of the University of California.

SEC. 12. Section 28101 of said code is amended to read:

28101. The provisions of this division, other than [Section 28006.] *Sections 28004, 28005, 28006, 28301, and 28402,* do not apply to any retirement system established for employees of any public utility or common carrier, as defined in the Public Utilities Act of this State, or the Interstate Commerce Acts, Federal Communication Act, or Federal Power Act.

SEC. 13. Section 28102 of said code is amended to read:

28102. The provisions of this division, other than [Section 28006.] *Sections 28004, 28005, 28006, 28301, and 28402,* do not apply to a retirement system in which all contributions by the employer or employee or both are paid, either directly or through a trustee, to an insurer authorized to do business in this State, and all benefits are paid directly by the insurer to the employee or his beneficiaries.

SEC. 14. Section 28103 of said code is amended to read:

28103. The provisions of this division, other than [Section 28006.] *Sections 28004, 28005, 28006, 28301, and 28402,* do not apply to a retirement system which provides that all funds contributed shall be paid to a trustee or co-trustee qualified and doing business in this State and subject to the supervision of the Superintendent of Banks or the Controller of the Currency, or that such funds shall be paid to a trustee or co-trustee that is a bank and a member of a Federal Reserve Bank.

SEC. 15. Section 28104 of said code is amended to read:

28104. The provisions of this division, other than [Section 28006.] *Sections 28004, 28005, 28006, 28301, and 28402,* do not apply to any retirement system established for employees of a foreign corporation not doing an intrastate business in this State.

SEC. 16. Section 28301 of said code is amended to read:

28301. The employees of any employer or such employer, or such employees and employer jointly, may form or create a [trust or trust fund known as a "] retirement system [," for the purpose of providing benefits for members retiring by reason of age or length of service or both, by filing] *. Unless such retirement system is exempted from all or some of the provisions of this division by virtue of the provisions of Sections 28100, 28101, 28102, 28103, or 28104, such employees or employer, or such employees and employer jointly, as the case may be, shall file in the office of the commissioner a declaration of their intention [so to do] to form or create such retirement system, in a form approved by the commissioner, signed and acknowledged by two provisional trustees or officers of such system, accompanied by a duly authenticated copy of the*

constitution, by-laws, or declaration of trust, or other instrument or instruments adopted to regulate the affairs of the system. Upon the filing of such declaration and duly authenticated copy, the commissioner may, if satisfied that the plan of operation is sound and equitable, issue a license authorizing the retirement system to do the business described therein.

SEC. 17. Section 28402 of said code is amended to read:

28402. A retirement system may [supplement benefits for retirement by reason of age or length of service by providing benefits on account of disability or death, and may provide withdrawal equities.] *provide benefits on account of members retiring by reason of age or length of service or both, or on account of death, and may include benefits for sickness or accident disability, or medical and hospitalization expenses in connection with sickness or accident disability, or benefits in the form of equities which may include the right to receive a portion of the trust fund on severance of employment and the right to receive a percentage of the trust fund after the lapse of a period of service or of participation, or any or all of such benefits, and may include a stock bonus or profit sharing plan.*

SEC. 18. Sections 8 to 17, inclusive, of this act become operative only if Division 3 is added to Title 4 of the Corporations Code by the Legislature at this session, and in such case, at the time said Division 3 takes effect; at which time Sections 2, 3, 25, 26, 27, 28, and 29 of the Retirement Systems Act, as amended by this act, are repealed."

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS REQUEST FOR UNANIMOUS CONSENT

Senator Salsman asked for, and was granted, unanimous consent to have Assembly Bill No. 1873 passed on file and retain its place on file until the next legislative day.

Assembly Bill No. 2849—An act to add Section 6404 to the Revenue and Taxation Code, relating to exemption of livestock from the use tax.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Donnelly, Drobish, Gibson, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Swing, Tenney, Ward, Watson, and Weybret—27.

NOES—None.

Motion to Reconsider

Senator Hatfield moved to reconsider the vote whereby Assembly Bill No. 2849 was passed.

The roll was called, and Assembly Bill No. 2849 was reconsidered by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—24.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Tenney asked for, and was granted, unanimous consent to have Assembly Bill No. 2849 return to its place on third reading file.

Assembly Bill No. 934—An act to amend Section 427 of the Fish and Game Code, relating to hunting licenses.

Bill read third time, and presented by Senator Watson.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Regan, Rich, Swing, Tenney, Ward, Watson, Weybret, and Williams—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 937—An act to amend Section 428 of the Fish and Game Code, relating to fishing licenses.

Bill read third time, and presented by Senator Watson.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—25.

NOES—Senator Drobish—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1709—An act to amend Section 1278 of the Fish and Game Code, relating to deer tags, and declaring the urgency thereof, to take effect immediately.

Bill read third time, and presented by Senator Regan.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 239—An act to require that consideration be given to airport needs of a community when zoning ordinances are proposed, and declaring such ordinances ineffective when such consideration is not given.

Bill read third time, and presented by Senator Regan.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Kraft, McBride, Miller, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1456—An act to add Section 1513.2 to, and to amend Section 3812 of, the Elections Code, relating to measures submitted to the voters of the State.

Motion to Re-refer Assembly Bill No. 1456

Senator Weybret moved that Assembly Bill No. 1456 be re-referred to Committee on Elections.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Williams asked for, and was granted, unanimous consent to have Assembly Bill No. 1667 passed on file and retain its place on file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Keating asked for, and was granted, unanimous consent to have Assembly Constitutional Amendment No. 28 passed on file and retain its place on file until the next legislative day.

Assembly Bill No. 725—An act to add Section 19333 to the Government Code, relating to authorizing absences from veterans' homes.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Collier, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1201—An act to amend Section 987 of the Military and Veterans Code, relating to farm and home purchase.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Burns, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Regan, Rich, Salsman, Swing, Tenney, Ward, Watson, Weybret, and Williams—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1210—An act to amend Sections 210, 225, 250, 254, 261, 262, 269, and to repeal Section 322 of the Military and Veterans Code, relating to the organization of the National Guard, precedence in rank, separation of personnel from service, the qualification for enlistment, the transfer and reduction of members of the National Guard, discharge certificates, the dishonorable discharge of members of the military or naval service of the State and the effect thereof and the pay of members of the National Guard while attending camps of instruction, drills or parades.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Regan, Rich, Salsman, Swing, Tenney, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2851—An act relating to public officers and their return to public service from service in the armed forces.

Bill read third time, and presented by Senator Keating.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Regan, Rich, Salsman, Swing, Tenney, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 970—An act to add Sections 4874, 4901.1, 4901.2, 4901.3, 4901.4, 4901.5, 4901.6, 4902.1, 4902.2, 4902.4, 4905, 4905.1, 4906, 4907, 4908, 4909, 4910, 4911.1, 4912.1, 4915.1, 4917.1, 4931.1, 4954, and 4965.1 to the Education Code; to amend Sections 4873, 4885, 4886, 4887, 4901, 4902, 4903, 4904, 4911, 4912, 4914, 4915, 4917, 4918, 4919, 4919.1, 4920, 4931, 4932, 4941, 4942, 4943, 4946, 4962, 4963, and 4964 of said code; to amend and renumber Sections 4902.1, 4912.1, 4915.1, and 4917.1 of said code; to amend the headings of Articles 2, 4, and 5 of Chapter 16 of Division 2 of said code; to repeal Sections 4881, 4882, 4883, 4884, 4886, and 4887 of said code; and to repeal Article 3 of Chapter 16 of Division 2 of said code, all relating to the reorganization of school districts.

Motion to Set Special Order

Senator Dilworth moved that Assembly Bill No. 970 be made a special order of business for Wednesday, May 25, 1949, at 2.30 p.m.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Donnelly asked for, and was granted, unanimous consent to have Assembly Bill No. 1451 passed on file and retain its place on file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Regan asked for, and was granted, unanimous consent to have Assembly Bill No. 429 passed on file and retain its place on file until the next legislative day.

Assembly Concurrent Resolution No. 46—Relative to the Valley of the Moon Scenic Route.

Resolution read, and presented by Senator Abshire.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Regan, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Brown:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 10 of, to repeal Sections 13 and 1420 of, and to add Sections 2.5 and 13 to, the Fish and Game Code, relating to the enforcement and administration of the laws relating to fish and game, creating the office of State Fish and Wildlife Administrator, and prescribing the duties, powers, and jurisdiction of said administrator and the Fish and Game Commission.

Respectfully submitted,

SENATOR BROWN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 24, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SALSMAN, Vice Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Regan, Salsman, Sutton, Swing, Tenney, Watson, Weybret, and Williams—30.

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1638: By Senator Brown—An act to amend Section 10 of, to repeal Sections 13 and 1420 of, and to add Sections 2.5 and 13 to, the Fish and Game Code, relating to the enforcement and administration of the laws relating to fish and game, creating the office of State Fish and Wildlife Administrator, and prescribing the duties, powers, and jurisdiction of said administrator and the Fish and Game Commission.

Referred to Committee on Fish and Game.

RESOLUTIONS

The following resolution was offered:

By Senators O'Gara, Hatfield, Coombs, Gibson, Kraft, Miller, and Dilworth:

Senate Resolution No. 108

Relating to adjournment in respect to the memory of James V. Forrestal

WHEREAS, The death of James V. Forrestal on May 22, 1949, is deeply mourned by all as the loss of one of United States' most capable public servants whose courageous leadership was a major contribution to the victorious outcome of World War II; and

WHEREAS, James V. Forrestal, who headed the greatest Navy ever built and who became the Nation's first Secretary of Defense, was a victim of a tremendous job; and

WHEREAS, James V. Forrestal was called to Washington by President Franklin D. Roosevelt in 1940 and soon thereafter became the Navy's first undersecretary; and

WHEREAS, In 1944, James V. Forrestal became the Secretary of the Navy and, in 1947, the first Secretary of Defense; and

WHEREAS, In combat and in administrative positions of challenging responsibility, he dedicated all his strength and all his talents to our Country; and

WHEREAS, The accomplishments of this distinguished public servant have earned the respect, admiration and gratitude of all Americans; and

WHEREAS, James V. Forrestal, a man of heroic mold, truly gave his life to his Country; now, therefore, be it

Resolved by the Senate of the State of California, That the Members of this Senate express deep regret at the closing of a life and the passing of a spirit which had so served and enriched his Country; and be it further

Resolved, That the Secretary of the Senate transmit suitably engrossed copies of this resolution to President Harry S. Truman, Mrs. James V. Forrestal, the wife of James V. Forrestal, and to Michael Forrestal and Peter Forrestal, his sons; and be it further

Resolved, That when this Senate this day adjourns, it do so out of respect to the memory of James V. Forrestal.

Resolution read, and adopted by rising vote of the following Senators:

Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams.

Assembly Bill No. 183—An act to add Section 10c to the Municipal Court Act of 1925, relating to bail in municipal courts in cities or cities and counties of the second and one-half class.

Bill read third time, and presented by Senator Tenney.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Tenney, Watson, Weybret, and Williams—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 251—An act to amend Sections 602 and 627 of the Penal Code, relating to trespass.

Bill read third time, and presented by Senator Regan.

Motion to Re-refer Assembly Bill No. 251

Senator Keating moved that Assembly Bill No. 251 be re-referred to Committee on Judiciary.

Motion carried.

Assembly Bill No. 1785—An act to amend Sections 2110, 2111, 2112, and 2115 of the Streets and Highways Code, relating to apportionments to counties payable from the Highway Users Tax Fund.

Bill read third time, and presented by Senator Judah.

The roll was called, and the bill passed by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Tenney, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2450—An act to amend Section 592.1 of the Vehicle Code, relating to stopping, standing, or parking of vehicles.

Bill read third time, and presented by Senator Breed.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, O'Gara, Parkman, Regan, Salsman, Sutton, Tenney, Ward, Watson, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1547—An act to add Section 136.5 to the Agricultural Code to provide more effective and expeditious abatement of pests.

Bill read third time, and presented by Senator Donnelly.

The roll was called, and the bill passed by the following vote :

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Mayo, McBride, O'Gara, Parkman, Regan, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—30.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Miller asked for, and was granted, unanimous consent to have Assembly Bill No. 2073 passed on file and retain its place on file until the next legislative day.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Tenney moved that Assembly Bill No. 678 be taken from the inactive file and placed on the second reading file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 900

Senator Jespersen moved that Senate Bill No. 900 be withdrawn from Committee on Fish and Game for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 900—An act to repeal Article 8, comprising Sections 230 and 231, of Chapter 1 of Division 2 of, and to add Section 804.5 to, the Fish and Game Code, relating to the taking of clams.

Bill read second time.

Motion to Amend

Senator Jespersen moved the adoption of the following amendments :

Amendment No. 1

In line 2 of the title of the printed bill, as amended in Senate May 5, 1949, after "of," insert "to amend Section 806 of,".

Amendment No. 2

On page 1 of said bill, after line 15, insert

"Before the commission closes, opens, or varies the location of the closed and open portions of Pismo clam bearing beaches, one or more members of the commission shall hold in the county to be affected a public hearing, notice of which has been published at least once in a newspaper of general circulation, printed and published in that county. The commission may determine which such newspaper will be most likely

to give notice to the inhabitants of such county, and its determination shall be final and conclusive.

SEC. 3. Section 806 of said code is amended to read:

806. Pismo clams (*Tivela stultorum*) less than five inches in greatest diameter may not be taken or possessed. *All undersized clams shall immediately be returned to the hole from which they are dug or to deep water.* The bag limit on Pismo clams is 15 per day. Not more than one daily bag limit of Pismo clams may be possessed by any person during one day."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

RESOLUTIONS

The following resolution was offered:

By Senator Swing:

Senate Resolution No. 109

In memory of George W. Beattie

WHEREAS, In the death of George W. Beattie in Highland, San Bernardino County, California, on May 16, 1949, has lost a revered citizen, a scholar, teacher, and historian of extraordinary merit, and the people of the San Bernardino Valley mourn a beloved friend and neighbor; and

WHEREAS, At the age of 90 years George W. Beattie could travel in memory over the long span of his life, to his childhood with his mother, Mrs. Angelica Strong Beattie and his grandmother, Mrs. Laura Strong, to the time of his early manhood 72 years ago when he first began to teach, in a one-room schoolhouse, and in moving again down the path of public service which he followed, could find some worthy monument for almost every one of those well-spent years: His administration as county superintendent of schools, his part in the founding of Pomona College, his work on the commission which devised the system of state credentials for teachers; and

WHEREAS, His service to the community and the State went beyond his work in the schools, extending to assisting in the writing of the San Bernardino County charter, and leading in a campaign for a bond issue to build the first concrete roads in the valley; and

WHEREAS, He was also a man of action and accomplishment in tasks requiring hard physical labor, having set out the first navel orange grove in East Highlands, and, aided by a crew of 75 men, reconstructed the North Fork Ditch, damaged by the flood of 1884; and

WHEREAS, At a mature age and after years of teaching he entered the University of California, majoring in chemistry and receiving a Master of Science Degree in 1901, going then to the Philippine Islands where he served as teacher and superintendent of schools, organized and served as dean of the junior college of Manila, helped organize the University of the Philippines, and served as acting dean of its college of liberal arts until his return to California in 1911, where he immediately entered again into leadership in the public life of the community, serving in many capacities, including chairmanship of a selective service board during World War I;

WHEREAS, He then devoted his time to years of scholarly research among the records of western pioneers, and then, with his wife, Helen, wrote with infinite care his book, "The Heritage of the Valley," and by his example inspired the restoration of historic landmarks and the writing of other scholarly works upon the history of our State, the life of which so nearly paralleled his own which began in 1859; now, therefore, be it

Resolved by the Senate of the State of California, That the Members of this Senate express deep regret at the closing of a life and the passing of a spirit which had so served and enriched his community and our beloved State; and be it further

Resolved, That the Secretary of the Senate transmit suitably engrossed copies of this resolution to Helen Beattie, wife, co-worker, and inseparable companion for many years of George W. Beattie, and to Mrs. Helen Beattie Bradley of Alhambra, his daughter, and to Frederick Beattie of San Bernardino, his son; and be it further

Resolved, That when this Senate this day adjourns, it do so out of respect to the memory of George W. Beattie.

Resolution read, and on motion of Senator Swing, was unanimously adopted.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Salsman moved that Assembly Bill No. 911 be placed on the inactive file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Salsman moved that Assembly Bill No. 910 be placed on the inactive file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Salsman moved that Assembly Bill No. 912 be placed on the inactive file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 652

Senator Salsman moved that Senate Bill No. 652 be withdrawn from Committee on Education for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 652—An act to amend Sections 1804 and 1829 of the Education Code, relating to elections for members of governing boards of elementary school districts.

Bill read second time.

Motion to Amend

Senator Salsman moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after the comma, insert "and to add Article 18.5 to Chapter 11 of Division 3 of said code, all".

Amendment No. 2

In the title of said bill, beginning in line 2, strike out "elections for members of governing boards of elementary".

Amendment No. 3

On page 1 of said bill, following line 29, insert

"SEC. 2. Article 18.5 is added to Chapter 11 of Division 3 of said code, to read: Article 18.5. Transfer of Elementary District from One High School District to Another on Petition of the Governing Boards of the High School Districts

3871. The governing boards of the two contiguous high school districts lying in the same county may present to the county superintendent of schools a petition signed by all the members of the said governing boards asking that the boundaries of the high school districts be changed by the exclusion of an elementary school district named in the petition from one of the high school districts and its annexation to the other high school district. The county superintendent of schools shall verify the signatures and if he finds them sufficient the petition shall be acted upon in the same manner as a petition for a change of boundaries of school districts presented to the county superintendent of schools under Article 5 of Chapter 7 of this division.

3872. The board of supervisors shall not make any order changing the boundaries of the high school districts if by reason of the exclusion of the elementary school district the assessed valuation of the high school district from which the elementary school district would be excluded would be reduced by such exclusion to less than ten million dollars (\$10,000,000), or if the outstanding bonded indebtedness of such high

school district would exceed 5 percent of the assessed valuation of the high school district."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Education.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered :

Senate Concurrent Resolution No. 66: By Senators Crittenden, Cunningham, Williams, Desmond, and Donnelly—Relative to the creation of the Joint Committee on Water Problems.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered :

By Senators Crittenden, Cunningham, Williams, Donnelly, and Desmond :

Senate Resolution No. 110

Relative to the creation of the Senate Committee on Water Problems

WHEREAS, The industry and agriculture of our State is dependent upon an adequate water supply which can be obtained only through the full development and utilization of our water resources; and

WHEREAS, Our present water supply is insufficient to fulfill even the present needs of the people of this State and the urgent need for the immediate completion of a comprehensive and coordinated program for the conservation of all of our water resources; and

WHEREAS, Much state legislation is pending and contemplated for consideration for the purpose of making the maximum possible beneficial use of the waters of the State; and

WHEREAS, There is much federal legislation now pending and in contemplation for enactment which would provide for various federal activities in connection with the solution of our water development and conservation problems, and there is much confusion as to just how California and the Federal Government may best cooperate in solving these problems, and a comprehensive plan should be carefully worked out for such cooperation between them; and

WHEREAS, The Central Valley Project is an integral part of the full development of the water resources and it is necessary to study means whereby the State can best assist in accomplishing its completion at the earliest possible date; and

WHEREAS, The San Francisco Bay Area and coastal counties are in need, desperately, of an additional supply of fresh water; and

WHEREAS, It is necessary that a study be made of the means by which such a supply can be obtained for this area; now, therefore, be it

Resolved by the Senate of the State of California, As follows:

1. The Senate Committee on Water Problems is hereby created and authorized and directed to ascertain, study and analyze all facts relating to or in any way bearing upon any of the subjects mentioned in the recitals of this resolution; any and all phases of flood control, river flow control and equitation, domestic use, irrigation, reclamation, and power development of water, including the bearing thereof upon the economic, recreational and other needs of the people of the State and the relation thereof to the wild life and other natural resources of the State; the best means of cooperation with federal, local and other governmental agencies; the feasibility of the transfer of the Central Valley Project to this State for ownership and operation, including the development of plans for the negotiation of such transfers; and the means for securing an additional fresh water supply for the San Francisco Bay Area and coastal counties, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1951 Regular Session, with authority to file its final report not later than the final legislative day of that session.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(f) To employ engineers and such other technical and clerical assistants as may be necessary to enable the committee to properly conduct its studies.

6. The sum of one hundred thousand dollars (\$100,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Assembly Bill No. 2556

Assembly Bill No. 1822

Assembly Bill No. 2992

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 12; committee vote: Ayes 7; absent 5.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Assembly Bill No. 699

Assembly Bill No. 535

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 6; absent 6.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 1047

Senate Bill No. 1048

Assembly Bill No. 232

Assembly Bill No. 976

Assembly Bill No. 1447

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 7; absent 5.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 686

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 6; noes 1; absent 5.

WARD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 752

Assembly Bill No. 2555

Assembly Bill No. 3139

Assembly Bill No. 1633

Assembly Bill No. 2975

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 12; committee vote: Ayes 6; absent 6.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 197

Assembly Bill No. 2388

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 7; absent 5.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Judiciary, to which were referred:

Senate Bill No. 493

Assembly Bill No. 1524

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 12; committee vote: Ayes 6; noes 1; absent 5.

WARD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Assembly Concurrent Resolution No. 73

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 12; committee vote: Ayes 6; noes 1; absent 5.

WARD, Chairman

Above reported resolution ordered to third reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency to which were referred:

Senate Bill No. 153

Assembly Bill No. 1679

Assembly Bill No. 1904

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1633

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1113

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Governmental Efficiency to which were referred:

Senate Bill No. 409

Assembly Bill No. 2269

Assembly Bill No. 926

Assembly Bill No. 2711

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Transportation, to which were referred:

Senate Bill No. 66

Senate Bill No. 1629

Senate Bill No. 476

Assembly Bill No. 54

Senate Bill No. 549

Assembly Bill No. 605

Senate Bill No. 1613

Assembly Bill No. 2612

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; absent 4.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Transportation, to which were referred:

Senate Bill No. 870

Assembly Bill No. 630

Senate Bill No. 1303

Assembly Bill No. 3032

Assembly Bill No. 628

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 9; absent 4.

COLLIER, Chairman

Above reported bills ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Natural Resources, to which was referred:
Assembly Bill No. 1011

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 5; absent 3.

BROWN, Vice-Chairman

Above reported bill ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 2080

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass as amended, and be re-referred to the Committee on Public Health and Safety.

Committee membership 9; committee vote: Ayes 8; absent 1.

BREED, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 4.34 p.m., on motion of Senator Dorsey, the President declared the Senate adjourned until 1.30 p.m., Wednesday, May 25, 1949, out of respect to the memory of the late James V. Forrestal, former Secretary of Defense, and George W. Beattie.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1949 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTY-NINTH LEGISLATIVE DAY

ONE HUNDRED FORTY-THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, May 25, 1949

The Senate met at 1.30 p.m.

Hon. Byrl R. Salsman, Vice Chairman, Committee on Rules of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Nelson E. Hinman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Powers, on motion of Senator Salsman, due to illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the Alameda County Republican Assembly: Milton M. Newmark, president; Mesdames Marian Newmark, Helen Schuek, Marian Miller, Agnes H. Hall, Florence Brown, Ina M. Schmid, Arthur Strehlow, Donald Quayle, P. J. Vanstrand, Adele Donaldson, F. G. MacGinnis, Dorothy MacDonald, Maude Fluno, Ruby Iverson, Gabriella Ramm, Albertina Nimetz, Mabel Olin, Florence Goelzer, Mae L. Harris, Emily Thompson, Thelma Alberts, Louis Gurein, Miss Alice Alameda, Archie Waring, Albert Nashman, Leonard Seeley, Fred W. Hunton, Forbes

Brown, Francis J. MacGinnis, Donald MacGinnis, L. G. Follrath, Edgar S. Hurley, Adrian Thiel, Arrangements Chairman; David V. Rosen, William D. Wood, and James Curry.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Russell S. Smith of Yreka.

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dale P. Wren, advisor, and the following students of Calaveras Union High School of Calaveras: Noreen Rossetti, Joy Hazlet, Duveen Meyers, Ramona Pereira, Nadine Henley, Pat Nelson, Margaret Blakely, Margene Hansen, Lorraine Fugett, Wanda Scroggins, Bernice Laidet, Kathryn La Teer, Regina Loury, Mary Jo Forsythe, Bettjean Ames, June Wiebe, Shirley Costello, Pat West, Beverley Rankin, Clar Coffey, Beverley Pazar, Beverley Thym, Edythe Matlock, Clareen Van Schaick, Nancy Heard, Elsie Manier, Gloria Oien, Beverley Grier, and Betty Simondet.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sister Mary Baptist and Sister St. Joseph and the following students of the Star of the Sea Academy of San Francisco: Helen Acebo, Charlene Ahern, Margaret Ahern, Anne Allumbaugh, Carol Armstrong, Patricia Atwood, Carol Aurich, Helen Bongi, Mary Casey, Doris Cooney, Genevieve Doyle, Evelyn Eager, Joan Farley, Patricia Foley, Mary Lou Graham, Elaine Grosse, Louise Gschwend, Ethel Hannon, Barbara Helmer, Nancy Helen Hunter, Gloria Hymes, Gloria Lopez, Clarice Journeay, Katherine Kinberger, Mary Ila Maggy, Mary Lou Mann, Celia Marino, Elaine Mauch, Catherine McCarthy, Sheila Moran, Helen Mousis, Geraldine Murdock, Mary Anne Nicholson, Maureen O'Sullivan, Carmel Pedrini, Shirley Pereira, Doralba Pignataro, Maurice Power, Marina Priss, Anna Mae Savage, Patricia Sperry, Betty Stephens, Diane Sullivan, Mary Margaret Sweeney, Agnes Wittman, and Katherine Wittman.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Marjorie Tuft, principal; Elizabeth Boland, Rosemary Williams, Edward Borup, teachers; and the following Fifth Grade students of the Francis Scott Key School of San Francisco: Warren Cane, Stephen Erikson, Minard Hall, Everett Hintze, Noel Nelson, James Rogers, Robert Rosenthal, Jack Smith, George Zahn, Henry Rivera, Fred Trice, Bill Powell, Richard Thompson, Michael Del'Ara, George Heeren, Dean Evans, Ronnie Downer, David Ellis, John Pettee, Richard McGrath, Donald Shere, Michael Shirar, Philicia Capps, Nina Jo Carson, Patricia Dulcich, Patricia Elliott, Ida Friedman, Sharon Portman, Barbara Reynolds, Charlene Trink, Patricia Anderson, Carolyn Meyer, Sandra Hymes, Valerie Clearwater, Betty Ann Stevens, Barbara Rusfeldt, Linda Lou Goff, Andrea Becker, Deanna Blight, Charlene Smith, Janet Richards, Judy Minnick, Maxine Parry, Kathleen McDonald, Velma Mendes, and Jean Borrero.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. John Pettee, Mrs. George Trice, Mrs. Andrew Becker, Mrs. Reed Capps, Mr. Reed Capps, and Mrs. Edward Borup, P.-T. A. representatives of the Francis Scott Key School of San Francisco.

On request of Senator Coombs, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. H. Meier, instructor, and the following students of the Pacific Union College Preparatory School of Angwin: Annalie Messer, Virginia Williams, Ardith Eberhardt, Florence Hoehn, Connie Gloor, Patricia Stevens, Virginia Christensen, Willadel Gerrans, Harriet Tinker, Eloise Ratzloff, Harold O. Harris, Edgar Jackson, Alvin L. Fry, Donald Hansen, Albert Watson, Arthur Ewert, Duane Coombs, Kjell E. Myhre, Howard Vogel, Donald Wheeler, Marilyn Rosenbach, Mary Shields, Gloria Husted, Allyce Moreno, Carol Shafer, Jimmy Harrison, Bob Rosenbach, Bill Forrest, Gene Wilson, Thomas Godfrey, Barbara Brown, Dorothy Champion.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rena S. Lesser, teacher, and the following students of the Hawthorne School at Oakland: Joan Valentine, Linda Cameron, Loretta Kraigbaum, Georgine Larsen, Rose Vaughan, Joan Gois, Barbara Perry, Ruth Larsen, Lurline Straub, Linda De Motta, Diane Yates, Karl Anderson, Jessie Seguin, Joan Belvel, Nancy Burgess, Mary Harris, Fred Gouveia, James Peugh, George Bungarez, Ronald Teutch, Phillip Bond, David Fisher, Toni Scatina, Burt Bartlett, Richard Coats, Phillip Johnston, Dennis Arthur, Garry Willett, Charles Lockhart, Galen Rowell, Roger Le Grand, Lee Sowersby, Richard Callistro, Carl Seguin, Ronald Cabral, and Robert Merrill.

On request of Senator Desmond, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ann Zimmerman of Seattle, Washington; Mrs. Josie Plee of Portland, Oregon; and Mrs. Helen Virga of Sacramento.

On request of Senator O'Gara, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Theodore Fischer, Adolph Schaumloeffel, and Louis T. Kruger, Esq., all of San Francisco.

On request of Senators Donnelly and Sutton, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rose Ann McCoy of Grimes, and Rosemary Donnelly, daughter of Senator Donnelly.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John F. Pryor of Hanford.

Call of the Senate

Senator Kraft moved a call of the Senate.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY, CALIFORNIA LEGISLATURE
STATE CAPITOL, SACRAMENTO 14, CALIFORNIA, May 25, 1949

Mr. Joseph A. Beek

Secretary of the Senate

State Capitol, Sacramento 14, California

DEAR MR. BEEK: I have been instructed by the Assembly to request the return of Senate Bill No. 24, for further consideration by this House.

Sincerely yours,

ARTHUR A. OHNIMUS, Chief Clerk

ASSEMBLY, CALIFORNIA LEGISLATURE
STATE CAPITOL, SACRAMENTO 14, CALIFORNIA, May 25, 1949

Mr. Joseph A. Beck

Secretary of the Senate

State Capitol, Sacramento 14, California

DEAR MR. BECK: Will you please return to the Assembly, Assembly Bill No. 1804, which was sent to the Senate through error.

Sincerely yours,

ARTHUR A. OHNIMUS, Chief Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day expunged the record and rescinded the action whereby

Senate Bill No. 558

Senate Bill No. 699

were passed.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

MOTION TO RETURN SENATE BILL NO. 24 TO THE ASSEMBLY

Senator Salsman moved that Senate Bill No. 24 be withdrawn from the Committee on Rules and returned to the Assembly pursuant to their request.

Motion carried.

MOTION TO RETURN ASSEMBLY BILL NO. 1804

Senator Salsman moved that Assembly Bill No. 1804 be withdrawn from the Committee on Local Government and returned to the Assembly pursuant to their request.

Motion carried.

**MOTION TO REQUEST THE ASSEMBLY TO RETURN
SENATE BILLS NOS. 558 AND 699**

Senator Collier moved that the Secretary of the Senate be instructed to request the Assembly to return to the Senate Senate Bills Nos. 558 and 699 for further consideration.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 86

Assembly Concurrent Resolution No. 87

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Concurrent Resolution No. 86—Approving an amendment to the charter of the City of Santa Barbara, State of California, voted for and ratified by the electors of such city at a general municipal election held therein on May 3, 1949.

Resolution read, and ordered placed on file.

Assembly Concurrent Resolution No. 87—Approving an amendment to the charter of the city of Santa Barbara, State of California, voted for and ratified by the electors of such city at a general municipal election held therein on May 3, 1949.

Resolution read, and ordered placed on file.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 90
Assembly Bill No. 1466

Assembly Bill No. 1723
Assembly Bill No. 2980

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HAROLD F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Lindsay, Crichton, and Tomlinson as a Committee on Conference concerning:

Senate Bill No. 150—An act to add Section 332.1 to the Vehicle Code, relating to impounding of vehicles.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By PAUL CRUM, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 1436
Senate Bill No. 1632

And reports the same correctly engrossed.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 684

And reports the same correctly re-engrossed.

SALSMAN, Vice Chairman

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 724

And reports the same correctly engrossed.

SALSMAN, Vice Chairman

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:

Senate Bill No. 1273

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 13; committee vote: Ayes 10; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:
Assembly Bill No. 1171

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; noes 1; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: The Committee on Agriculture, to which were referred:
Assembly Bill No. 2195
Assembly Bill No. 1483

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 10; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: The Committee on Agriculture, to which was referred:
Assembly Bill No. 2775

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8; noes 2; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 592	Assembly Bill No. 978
Assembly Bill No. 360	Assembly Bill No. 979
Assembly Bill No. 362	Assembly Bill No. 980
Assembly Bill No. 366	Assembly Bill No. 981
Assembly Bill No. 554	Assembly Bill No. 1317
Assembly Bill No. 643	Assembly Bill No. 1846
Assembly Bill No. 688	Assembly Bill No. 2345
Assembly Bill No. 820	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred:
Senate Constitutional Amendment No. 33

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred: Assembly Bill No. 1870

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 285

Senator McBride moved that Senate Bill No. 285 be withdrawn from Committee on Financial Institutions for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 285—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 9.20, relating to loans.

Bill read second time.

Motion to Amend

Senator McBride moved the adoption of the following amendments:

Amendment No. 1

In the title of the bill, strike out the second line and insert "amending Sections 9.07 and 9.10 thereof,".

Amendment No. 2

Strike out lines 1 to 7, both inclusive, of said bill, and insert

"SECTION 1. Section 9.07 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 9.07. Security for Loans. For each loan made by a building and loan association a note or notes or other obligation or obligations expressing a rate of interest must be executed by the borrower and must be secured, except as otherwise permitted under Section 9.18 or 9.19, (a) by a first mortgage or first trust deed upon fee title to real property or upon a leasehold interest in real property under a lease for not less than ninety-nine years which is renewable or under a lease having a period of not less than fifty years to run from the date of the loan, (b) by the pledge of shares or investment certificates of such association and/or (c) by the pledge of bonds or other collateral. Two or more mortgages or trust deeds, all owned or purchased by the same association, shall collectively be deemed a first mortgage or a first trust deed, as the case may be, for all the purposes of this act, if they create successive liens or charges upon the same real property or leasehold interest and if one thereof is in fact a first mortgage or first trust deed. In lieu of making two or more separate loans, each secured by mortgage, trust deed or pledge of one or more properties or leasehold interests or securities in amounts permitted by this act, an association may make a single loan secured by all such properties, by all such leasehold interests and/or by all such securities, if the principal amount of such single loan does not exceed the aggregate of the principal amounts which would be permitted for such separate loans. Notwithstanding anything to the contrary in this act, any security, whether or not the same be a first encumbrance or charge, on property, either improved or unimproved and either real or personal, may be taken at any time and without limit as additional security for any loan held by such association.

SEC. 2. Section 9.10 of said act is hereby amended to read as follows:

Sec. 9.10. Loans Upon Real Property. Loans may be made upon the security of improved real property in an amount not in excess of 60 percent of the appraised value of such real property; provided, however, that amortized loans may be made in an amount not in excess of 70 percent of the appraised value of such real property; provided further, that amortized loans upon the security of improved real property may be made in an amount not in excess of 80 percent of the appraised value of such real property if such appraised value does not exceed ten thousand dollars (\$10,000), or not in excess of 80 percent of the first ten thousand dollars (\$10,000) of such appraised value if it exceeds ten thousand dollars (\$10,000) plus 70 percent of the remainder of such appraised value, subject to the following conditions in the case of each such

loan exceeding 70 percent: (1) the principal improvement on such real property shall consist of a single family dwelling; and (2) the note or other obligation evidencing such loan shall provide for reduction of principal by monthly installments commencing in the case of construction loans not later than nine months after the date of such loan, and in case of any other loan not later than three months after the date of such loan.

Loans may be made upon the security of unimproved real property in an amount not in excess of 33 1/3 percent of the appraised value of such real property.

In respect of any loan made upon the security of real property where it is agreed and/or contemplated that improvements will be made thereon to become a part of such security, said real property shall be deemed to be improved real property and the value of such proposed improvements shall be included in the appraised value of such real property; provided, however, that at no time shall the amount advanced by the association on such loan exceed the ratio of loan to value authorized by this section in respect to such loan, excluding from such value the value of such proposed building or buildings when completed but including in such value the value of such building or buildings to such time.

The term "real property" as used in this section and in Sections 9.14, 9.18 and 9.19, whether unmodified or modified by the terms "improved" or "unimproved," includes (a) fee title to real property, (b) a leasehold interest in real property under a lease for not less than ninety-nine years which is renewable and (c) a leasehold interest in real property under a lease having a period of not less than fifty years to run from the date of the loan. If the security is a leasehold interest, the value appraised shall be the value of such leasehold interest and not of the fee title.

The provisions of this section are subject to the provisions of Section 9.18 and of Section 9.19."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

RESOLUTIONS

The following resolution was offered:

By Senator Desmond:

Senate Resolution No. 111

Relative to Walter J. Hicks, late County Assessor of Sacramento County

WHEREAS, The Members of this Senate have learned with great shock and sorrow of the passing of Walter J. Hicks, an attache of this Senate during the regular session of 1923; and

WHEREAS, Walter J. Hicks had been a lifelong resident of Sacramento, and a leader in the business, civic, and fraternal life of Sacramento County and of the State of California; and

WHEREAS, Following his military service in World War I, his participation in public affairs continued actively, including his service as one of the first civil service commissioners appointed under the Sacramento City Charter, and as Chairman of the Golden Empire Centennial in 1939, and County Assessor of Sacramento County to which office he was elected in 1931 and held continuously until the heart attack which caused his death at his home on May 22, 1949; and

WHEREAS, Walter J. Hicks was active in many civic and fraternal organizations, including the Knights of Columbus, Hibernians, and Veterans of Foreign Wars, in many of which he had held the highest office, having been past commander of Sacramento Post No. 61 of the American Legion, exalted ruler of Sacramento Lodge No. 6 of the Benevolent Order of Elks, past president of Sacramento Aerie No. 9 of the Fraternal Order of Eagles, of the Sacramento County Employees Association, and of Sacramento Parlor No. 3, Native Sons of the Golden West; now, therefore, be it

Resolved by the Senate of the State of California, That the Members of this Senate deeply regret the passing of Walter J. Hicks and the loss to the people of this State of his fine and devoted public service, and extend deepest sympathy to his surviving family: His widow, Mrs. Mercedes L. Hicks; his daughter, Waletta; and his sister, Genevieve Hicks; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Mrs. Mercedes L. Hicks; and be it further

Resolved, That when this Senate this day adjourns, it do so out of respect to the memory of Walter J. Hicks.

Resolution read, and adopted by rising vote of the following Senators:

Senators Abshire, Breed, Brown, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—38.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 2439

Senator Donnelly moved that Assembly Bill No. 2439 be withdrawn from Committee on Public Health and Safety for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 2439—An act to add Section 4765 to the Health and Safety Code, relating to county sanitation districts.

Bill read second time.

Motion to Amend

Senator Donnelly moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 4765", and insert "Sections 4765 and 6521.5".

Amendment No. 2

In line 2 of the title of said bill, strike out "county sanitation districts", and insert "districts organized for sanitary and sanitation purposes".

Amendment No. 3

On page 1 of said bill, after line 9, insert

"SEC. 2. Section 6521.5 is added to said code, to read:

6521.5. Any district may join the California League of Sanitary Districts. The members of the district board may attend the convention of the California League of Sanitary Districts and receive their necessary traveling and other expenses. Contribution toward the operation of the organization and the expenses of members of the district board shall be a proper charge against the funds of the district."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 687

Senator McBride moved that Senate Bill No. 687 be withdrawn from Committee on Transportation for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 687—An act to add Section 104.65 to the Streets and Highways Code, relating to income from rental of properties acquired for highway purposes.

Bill read second time.

Motion to Amend

Senator McBride moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 104.65 to", and insert "amend Section 135 of".

Amendment No. 2

In line 2 of the title of said bill, strike out "income from rental of".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, strike out lines 1 to 5, inclusive, and insert

"SECTION 1. Section 135 of the Streets and Highways Code is amended to read :
135. The department may enter into contracts for the removal or relocation of structures or improvements situated upon real property over which a right of way for state highway purposes has been or is to be acquired [in lieu of the payment to the owner of such property of the expense of such removal or relocation, and in lieu of any damages which will accrue by reason thereof]."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 1455

Senator Rich moved that Senate Bill No. 1455 be withdrawn from Committee on Governmental Efficiency and referred to Committee on Revenue and Taxation.

Motion carried.

CONSIDERATION OF DAILY FILE**UNFINISHED BUSINESS****Consideration of Assembly Amendments**

Senate Bill No. 627—An act to amend Section 10 of "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended, relating to powers of credit unions.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 627?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4", and insert "10".

Amendment No. 2

Strike out line 4 of the title of said bill, and insert "relating to powers of credit unions."

Amendment No. 3

On page 1, line 1, of said bill, strike out "4", and insert "10".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 4

On page 1 of said bill, between lines 2 and 3, insert

"SEC. 10. The directors of any credit union may, at the close of each half year or fiscal year, declare such dividends from its undivided profits as is provided for

by law, but no credit union shall declare, credit or pay any dividends to its shareholders until it shall have transferred to its guaranty fund such part of its net earnings as is required by Section 7 of this act.

Shares which shall have been fully paid by the first day of any calendar month of any period for which dividends are declared, shall be entitled to a proportionate part of such dividends calculated from the first day of [the following] *such* month.

The by-laws of any credit union may provide that shares which shall have been fully paid by the tenth day of any calendar month of any period for which dividends are declared shall be entitled to a proportionate part of such dividend calculated from the first day of such month and may further provide that shares may be entitled to dividends irrespective of the fact that any part or all the moneys paid upon such shares may have been withdrawn during any portion of any such dividend period.

The board of directors of any credit union may declare dividends semiannually or annually."

Amendment No. 5

On page 1 of said bill, strike out lines 3 to 25, inclusive; and strike out page 2.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 627 by the following vote:

AYES—Senators Abshire, Breed, Brown, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Rich, Salsman, Sutton, Swing, Weybret, and Williams—27.

NOES—None.

Above bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 1496—An act to amend Sections 101, 102, 103, 148, 360, 361, 451, 452, 453, 454, 455, 456, 457, 458 of the Military and Veterans Code, relating to the adoption of federal laws and customs in the control of the militia, the adoption of the federal Articles of War, the adoption of rules and regulations for the control of the militia, the adoption of the federal system of discipline, the convening and jurisdiction of courts-martial, the approval of sentences and the disposition of records, courts of inquiry and bad-conduct discharges declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1496?

Amendment No. 1

On page 2 of the printed bill, after line 24, and before line 25, and as Section 7 of said bill, insert

"SEC. 7. Section 451 of said code is amended to read:

451. The constitution and jurisdiction of general courts-martial, special courts-martial, summary courts-martial, and courts of inquiry, the form and manner in which the proceedings are conducted and recorded, the forms of oaths and affirmations taken in the administration of military law by such courts, the limits of punishment and the proceedings in the revision thereof, shall be governed by the terms of the Articles of War, the National Defense Act, the laws and regulations governing the Army of the United States and the *United States Air Force*, and the law and procedure of similar courts of the United States Army, and the *United States Air Force*, except as otherwise provided in this chapter."

Amendment No. 2

On page 2, line 25, of said bill, strike out "7", and insert "8".

Amendment No. 3

On page 2, line 32, of said bill, strike out "8", and insert "9".

Amendment No. 4

On page 2, line 48, of said bill, strike out "9", and insert "10".

Amendment No. 5

On page 3, line 8, of said bill, strike out "10", and insert "11".

Amendment No. 6

On page 3, line 31, of said bill, strike out "11", and insert "12".

Amendment No. 7

On page 4, line 1, of said bill, strike out "12", and insert "13".

Amendment No. 8

On page 4, line 28, of said bill, strike out "13", and insert "14".

Amendment No. 9

On page 4 of said bill, after line 50, insert

"This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The Articles of War adopted by Section 102, California Military and Veterans Code, have been substantially amended and modified by Title 11 of the Selective Service Act of 1948, approved June 24, 1948. It is imperative that the amendments and modifications to the Articles of War be immediately adopted for the control of the California National Guard and for its government at drills, camps and maneuvers to be conducted during the spring and summer of the year 1949."

Amendment No. 10

In line 1 of the title of the printed bill, as amended in the Assembly on May 11, 1949, after "361", insert "451".

Amendment No. 11

In line 9 of the title of said bill, after "discharges", insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 12

On page 3, line 42, of said bill, before "Navy", insert "States".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1496 by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Coombs, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Regan, Salsman, Sutton, Swing, Ward, Weybret, and Williams—28.

NOES—None.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS REQUEST FOR UNANIMOUS CONSENT

Senator O'Gara asked for, and was granted, unanimous consent to have Senate Bill No. 1626 passed on file and retain its place on file until the next legislative day.

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 1c to Article IV thereof, relating to initiative measures.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Abshire, Breed, Brown, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, Parkman, Regan, Rich, Salsman, Sutton, Swing, Weybret, and Williams—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

Chief Assistant Secretary Cleve V. Taylor at the Desk

Senate Bill No. 1186—An act to amend Section 2550 of the Business and Professions Code, relating to dispensing opticians.

Bill read third time.

The roll was called, and the bill refused passage by the following vote :

AYES—Senators Breed, Brown, Burns, Kraft, and O'Garra—5.

NOES—Senators Abshire, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Mayo, McBride, Miller, Salsman, Sutton, Swing, Tenney, Ward, Watson, and Williams—27.

Senate Bill No. 462—An act to add Section 12500.5 to, and to amend Sections 12500 and 12501 of, the Business and Professions Code, relating to weighing and measuring instruments.

Bill read third time.

Motion to Amend

Senator Donnelly moved the adoption of the following amendments :

Amendment No. 1

On page 1 of the printed bill, as amended in Senate on May 20, 1949, strike out all of lines 13 and 14, and insert "for the purpose of determining the weight, measure or count upon which the purchase or sale of a commodity is based."

Amendment No. 2

On page 1, line 20, of said bill, as amended, after "devices," insert "used for commercial purposes,".

Amendment No. 3

On page 2, line 2, of said bill, as amended, after "been", insert "so".

Amendments read, and adopted.

Bill ordered printed, re-engrossed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.25 p.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Assembly Bill No. 970 was taken up.

Assembly Bill No. 970—An act to add Sections 4874, 4901.1, 4901.2, 4901.3, 4901.4, 4901.5, 4901.6, 4902.1, 4902.2, 4902.4, 4905, 4905.1, 4906, 4907, 4968, 4909, 4910, 4911.1, 4912.1, 4915.1, 4917.1, 4931.1, 4954, and 4965.1 to the Education Code; to amend Sections 4873, 4885, 4886, 4887, 4901, 4902, 4903, 4904, 4911, 4912, 4914, 4915, 4917, 4918, 4919, 4919.1, 4920, 4931, 4932, 4941, 4942, 4943, 4946, 4962, 4963, and 4964 of said code; to amend and renumber Sections 4902.1, 4912.1, 4915.1, and 4917.1 of said code; to amend the headings of Articles 2, 4, and 5 of Chapter 16 of Division 2 of said code; to repeal Sections 4881, 4882, 4883, 4884, 4886, and 4887 of said code; and to repeal Article 3 of Chapter 16 of Division 2 of said code, all relating to the reorganization of school districts.

Bill read third time, and presented by Senator Dilworth.

Motion to Amend

Senator Jespersen moved the adoption of the following amendment:

Amendment No. 1

On page 11, line 39, of the printed bill, as amended in Senate May 20, 1949, after "concerned", insert " but if the majority of the votes in the district or portion of a district, which casts a majority of all the votes cast at the election, is against unification and a majority of the combined votes of all the other districts or portions of districts is for unification, the unification is accomplished but the district voting against the proposal is excluded from the unification. In no event shall any district be included in the unification if a majority of the votes cast in the district is against unification".

Amendment read.

Roll Call Demanded

Senators Jespersen, Dilworth, and Hatfield demanded a roll call.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Brown, Coombs, Crittenden, Cunningham, Desmond, Dorsey, Hatfield, Jespersen, Judah, Mayo, McBride, Sutton, Tenney, and Ward—14.

NOES—Senators Breed, Burns, Collier, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Johnson, Keating, Kraft, Miller, O'Gara, Parkman, Salsman, Swing, Watson, Weybret, and Williams—20.

Further Consideration of Assembly Bill No. 970

The President directed the Secretary to call the roll on final passage of Assembly Bill No. 970.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Salsman, Sutton, Swing, Tenney, Ward, Watson, Weybret, and Williams—32.

NOES—Senator Jespersen—1.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 724—An act to add Sections 15a and 68a to the County Water District Act and Sections 31416 and 32858 to the Water Code, relating to dissolution of county water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Salsman, Tenney, Ward, Watson, and Weybret—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1632—An act to add Sections 20.5, 20.6, 20.7, 49.5, and 81 to an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the

powers herein conferred," approved June 16, 1931, relating to water conservation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Salsman, Sutton, Tenney, Watson, Weybret, and Williams—28.

NOES—Senator Dillinger—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1436—An act to amend Section 330.24 of the Civil Code, relating to mutual water companies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Johnson, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Salsman, Sutton, Tenney, Ward, Watson, Weybret, and Williams—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Resolution No. 105—Relative to augmenting the funds of the Senate Committee on Employment Stabilization.

Resolved by the Senate of the State of California. That, in addition to any money heretofore made available, the sum of seven thousand five hundred dollars (\$7,500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the Senate Committee on Employment Stabilization (created by Senate Resolution No. 20, 1949 Regular Session) and its members and for any charges, expenses, or claims incurred by it under said resolution, during the period for which it was created (until the last legislative day of the 1949 session), to be paid from the Contingent Fund of the Senate and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Burns, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hulse, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Salsman, Sutton, Tenney, Watson, Weybret, and Williams—29.

NOES—None.

Senate Resolution No. 101—Relative to investigation of magazine Alert, and related matters.

Resolution read.

Motion to Amend

Senator O'Gara moved the adoption of the following amendment:

Amendment No. 1

Senate Resolution No. 101 as amended in Senate May 24, 1949, is amended to read:

Senate Resolution No. 101

Relative to an investigation of the publication "Alert" and related matters

Resolved, That the Committee on Rules or a committee of five (5) Members of the Senate appointed by the Committee on Rules, shall fully investigate all matters concerning:

1. The employment by the Senate Un-American Activities Committee of one Gibbons, publisher of that certain publication known as the Alert, including his duties, activities and compensation.

2. The financing, publication, and distribution of that publication and particularly the May 2, 1949, issue, thereof.

The Committee on Rules or the committee appointed by it shall report and recommend to the Senate as soon as practicable, but not later than June 17, 1949.

The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly and of the Standing Rules of the Senate as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

The sum of two thousand dollars (\$2,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Amendment read.

Motion to Refer Senate Resolution No. 101

Senator Mayo moved that Senate Resolution No. 101 and amendment offered by Senator O'Gara to Senate Resolution No. 101 be referred to the Committee on Rules.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 24, 1949

MR. PRESIDENT: The Committee on Rules to which were referred the messages from Myrtle Williams, Director, Department of Social Welfare, appointing:

WILBUR J. BASSETT, to the State Social Welfare Board under the provisions of Article XXV of the State Constitution;

DR. FREDERICK A. SMITH (Th.D.), to the State Social Welfare Board under the provisions of Article XXV of the State Constitution;

ALBERT L. CHRISTOPHER, to the State Social Welfare Board under the provisions of Article XXV of the State Constitution;

MRS. HAZEL HURST, to the State Social Welfare Board under the provisions of Article XXV of the State Constitution;

MRS. HAROLD S. STEIN, to the State Social Welfare Board under the provisions of Article XXV of the State Constitution;

Has had the same under consideration, and respectfully reports the same back and recommends that the appointments of Mrs. Myrtle Williams be confirmed.

Committee membership 5; committee vote: Ayes 4; absent 1.

SALSMAN, Vice Chairman

CONSIDERATION OF APPOINTMENT BY THE SOCIAL WELFARE DEPARTMENT

Senator Salsman moved that the Senate confirm and consent to the appointment of Wilbur J. Bassett as a member of the State Social Welfare Board under the provisions of Article XXV of the State Constitution.

Previous Question

Senator Hatfield moved the previous question.

Motion carried.

The President put the question, "Will the Senate confirm and consent to the appointment of Wilbur J. Bassett?"

The roll was called, with the following result:

AYES—Senators Breed, Brown, Busch, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, McBride, Miller, O'Gara, Parkman, Rich, Salsman, Weybret, and Williams—26.

NOES—Senators Burns, Dilworth, Kraft, Sutton, Tenney, and Watson—6.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Wilbur J. Bassett as a member of the State Social Welfare Board under the provisions of Article XXV of the State Constitution.

CONSIDERATION OF APPOINTMENTS BY THE SOCIAL WELFARE DEPARTMENT

Senator Salsman moved that the Senate confirm and consent to the appointment of Dr. Frederick A. Smith (Th.D.), Albert L. Christopher, Mrs. Hazel Hurst and Mrs. Harold S. Stein, as members of the State Social Welfare Board under the provisions of Article XXV of the State Constitution.

The President put the question, "Will the Senate confirm and consent to the appointment of Dr. Frederick A. Smith (Th.D.), Albert L. Christopher, Mrs. Hazel Hurst, Mrs. Harold S. Stein?"

The roll was called, with the following result:

AYES—Senators Breed, Brown, Burns, Buseh, Collier, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Rich, Salsman, Sutton, Watson, Weybret, and Williams. 30.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Dr. Frederick A. Smith (Th.D.), Albert L. Christopher, Mrs. Hazel Hurst and Mrs. Harold S. Stein, as members of the State Social Welfare Board under the provisions of Article XXV of the State Constitution.

REQUEST FOR UNANIMOUS CONSENT

Senator O'Gara asked for, and was granted, unanimous consent to have Senate Bill No. 1387 passed on file and retain its place on file until the next legislative day.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Dilworth:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Division 7 to the Water Code and to add Sections 4458, 4459, 4460, and 4461 to, and to repeal Articles 2 and 3 of, and add Article 2 to, Chapter 6, Part 3, Division 5 of, the Health and Safety Code, relating to pollution.

Respectfully submitted,

SENATOR DILWORTH

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 25, 1949

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

SALSMAN, Vice Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Burns, Buseh, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Hulse, Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Rich, Salsman, Sutton, Tenney, Watson, Weybret, and Williams—29.

NOES—None.**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS**

The following bill was introduced, and read the first time:

Senate Bill No. 1639: By Senator Dilworth—An act to add Division 7 to the Water Code and to add Sections 4458, 4459, 4460, and 4461 to, and to repeal Articles 2 and 3 of, and add Article 2 to, Chapter 6, Part 3, Division 5 of, the Health and Safety Code, relating to pollution.

Referred to Committee on Public Health and Safety.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1314

Senator McBride moved that Senate Bill No. 1314 be **withdrawn** from Committee on Labor for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1314—An act to amend Section 4663 of the Labor Code, relating to workmen's compensation and death benefits.

Bill read second time.

Motion to Amend

Senator McBride moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 4663", and insert "Sections 4663, 4751, and 4753".

Amendment No. 2

On page 1, line 4, of said bill, after "to", insert "a".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, after line 9, insert

"**SEC. 2.** Section 4751 of the Labor Code is amended to read:

4751. If an employee who is permanently partially disabled [by reason of the loss of, or loss of use of, a hand, an arm, a foot, a leg, or an eye] receives a subsequent compensable injury resulting in additional permanent partial disability so that the degree of disability caused by the combination of both disabilities is greater than that which would have resulted from the subsequent injury alone, and the combined effect of the last injury and the previous disability or impairment is a permanent disability equal to seventy percent or more of total, he shall be paid in addition to the compensation due under this code for the permanent partial disability caused by the last injury, compensation for the remainder of the combined permanent disability existing after the last injury as provided in this article.

SEC. 3. Section 4753 of the Labor Code is amended to read :

4753. [From] Such additional compensation *is not in addition to* [there shall be deducted any monetary payments for permanent disability or impairment which the employee is entitled to receive after the occurrence of the last injury,] *but shall be reduced to the extent of any monetary payments the employee is receiving from any federal or state fund[s] to which he has not directly contributed, except [that] as to payments being made to the employee or to which he is entitled as a pension or other compensation for disability incurred in service in the armed forces of the United States [shall not be deducted therefrom].*"

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 880

Senator McBride moved that Senate Bill No. 880 be withdrawn from Committee on Labor for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 880—An act to repeal Sections 118 and 119 of, and to add Section 64 to, the Labor Code, relating to the Industrial Accident Commission, its attorney and his assistants.

Bill read second time.

Motion to Amend

Senator McBride moved the adoption of the following amendment :

Amendment No. 1

In line 6 of the printed bill, as amended May 19, 1949, after the comma, insert "other than the State Compensation Insurance Fund."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 886

Senator McBride moved that Senate Bill No. 886 be withdrawn from Committee on Labor for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 886—An act to amend Sections 115, 5301, 5302, 5309, 5705, 5800, and 5900 of the Labor Code, to repeal Sections 5313, 5314, and 5315 of said code and add new Sections 5313, 5314, and 5315 to said code; and to add Sections 5908.5 and 5908.6 to said code, all relating to workmen's compensation.

Bill read second time.

Motion to Amend

Senator McBride moved the adoption of the following amendments :

Amendment No. 1

In line 1 of the title of the printed bill, after "115", insert "5001"; after "5309", insert "5310, 5708"; and strike out "and".

Amendment No. 2

In line 2 of the title of said bill, after "5900", insert "5901, 5902, 5903, 5904, 5905, 5909, and 5910".

Amendment No. 3

In line 3 of the title of said bill, strike out "and"; after "5315", insert "5906, 5907, 5908, and 5950"; strike out the second "and".

Amendment No. 4

In line 4 of the title of said bill, after "5315", insert "5906, 5907, 5908, and 5950"; strike out the semicolon and "and to add Sections 5908.5 and 5908.6 to".

Amendment No. 5

In line 5 of the title of said bill, strike out "said code".

Amendment No. 6

On page 1 of said bill, strike out lines 16 to 20, inclusive, and insert "hearing is the finding, order, decision, or award of the commission."

Amendment No. 7

On page 1 of said bill, after line 20 and before line 21, insert

"SEC. 2. Section 5001 of said code is amended to read:

5001. Compensation is the measure of the responsibility which the employer has assumed for injuries or deaths which occur to employees in his employment when subject to this division. No release of liability or compromise agreement is valid unless it is approved by the commission *as a whole or a panel thereof.*"

Amendment No. 8

On page 1, line 21, of said bill, strike out "2", and insert "3".

Amendment No. 9

On page 2, line 1, of said bill, strike out "3", and insert "4".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 10

On page 2 of said bill, strike out lines 8 to 20, inclusive, and insert

"SEC. 5. Section 5309 of said code is amended to read:

5309. The commission may [.] *in accordance with rules of practice and procedure which it shall adopt* and upon agreement of the parties, on the application of either, or of its own motion, and with or without notice, direct and order a [reference in the following cases:] *commissioner or a referee:*

(a) To try the issues in any proceeding before it, whether of fact or of law, and [to report] *make and file a finding, order, decision, or award based thereon.*

(b) To *hold hearings and ascertain* [a fact] *facts* necessary to [enable the commission] determine any proceeding [before it or necessary] to make any order, decision or award that the commission is authorized to make under Division 4 or 5, or necessary for the information of the commission."

Amendment No. 11

On page 2 of said bill, after line 20 and before line 21, insert

"SEC. 6. Section 5310 of said code is amended to read:

5310. The commission *or a panel* may appoint one or more referees in any proceeding, as it may deem necessary or advisable, and may [refer matters arising out of the same proceeding to different referees] *remove to itself or transfer to another commissioner or referee the proceedings on any claim pending before a commissioner or referee*. The commission may appoint general referees. Any referee appointed by the commission has the powers, jurisdiction, and authority granted by law, by the order of appointment, and by the rules of the commission. The compensation for his services shall be fixed by the commission."

Amendment No. 12

On page 2, line 21, of said bill, strike out "5", and insert "7".

Amendment No. 13

On page 2, line 31, of said bill, strike out "line of"; strike out "It shall be in"; and strike out all of lines 32 and 33.

Amendment No. 14

On page 2, line 34, of said bill, strike out "6", and insert "8".

Amendment No. 15

On page 2 of said bill, strike out lines 43 to 49, inclusive, and insert

"SEC. 9. Section 5315 of said code is hereby repealed and a new Section 5315 is added, to read:

5315. All oral testimony, objections and rulings shall be transcribed whenever a decision, order, or award is made by the commission as a whole or a panel thereof in a matter tried or heard by a commissioner or referee. Such transcript shall be prepared and filed in the record for consideration by the commission or panel not less than five days prior to the date of the filing of its decision, order, or award."

Amendment No. 16

On page 2 of said bill, after line 49 and before line 50, insert

"SEC. 10. Section 5708 of said code is amended to read:

5708. All hearings and investigations before the commission, panel, a commissioner, or a referee, are governed by this division and by the rules of practice and procedure adopted by the commission. In the conduct thereof they shall not be bound by the common law or statutory rules of evidence and procedure, but may make inquiry in the manner, through oral testimony and records, which is best calculated to ascertain the substantial rights of the parties and carry out justly the spirit and provisions of this division. All oral testimony, objections, and rulings shall be taken down in shorthand by a competent phonographic reporter *but need not be transcribed except as otherwise required in this division.*"

Amendment No. 17

On page 2 of said bill, strike out lines 50 to 52, inclusive; and on page 3 of said bill, strike out lines 1 to 6, inclusive, and insert

"SEC. 11. Section 5709 of said code is amended to read:

5709. No informality in any proceeding or in the manner of taking testimony shall invalidate any order, decision, award or rule made[, approved, or confirmed by the commission or a panel thereof] *and filed as specified in this division.* No order, decision, award, or rule shall be invalidated because of the admission into the record, and use as proof of any fact in dispute, of any evidence not admissible under the common law or statutory rules of evidence and procedure."

Amendment No. 18

On page 3, line 7, of said bill, strike out "9", and insert "12".

Amendment No. 19

On page 3, line 12, of said bill, strike out "of the commission".

Amendment No. 20

On page 3 of said bill, after line 21 and before line 22, insert

"SEC. 13. The title of Division 4, Part 4, Chapter 7 of said code is amended to read:

CHAPTER 7. [REHEARINGS] *RECONSIDERATION* AND JUDICIAL REVIEW

SEC. 14. The title of Division 4, Part 4, Chapter 7, Article 1 of said code is amended to read:

Article 1. [Rehearings] *Reconsideration* "

Amendment No. 21

On page 3 of said bill, strike out lines 22 to 30, inclusive, and insert

"SEC. 15. Section 5900 of said code is amended to read:

5900. Any person aggrieved directly or indirectly by any final order, decision, or award of the commission, made [or entered] *and filed by a commissioner or a referee* under any provision contained in this division, may petition the commission [or a rehearing] *reconsideration* in respect to any matters determined or covered by [the] *such* final order, decision, or award, and specified in the petition for [rehearing] *reconsideration*. Such petition shall be made only within the time and in the manner specified in this chapter."

Amendment No. 22

On page 3 of said bill, after line 30 and before line 31, insert

"SEC. 16. Section 5901 of said code is amended to read:

5901. No cause of action arising out of any final order, decision, or award of *the commission made and filed by a commissioner or a referee* shall accrue in any court to any person until and unless such person files a petition for [rehearing] *reconsideration*, and such petition is granted or denied. Nothing herein contained shall prevent the enforcement of any such final order, decision, or award, in the manner provided in this division.

SEC. 17. Section 5902 of said code is amended to read:

5902. The petition for [rehearing] *reconsideration* shall set forth specifically and in full detail the grounds upon which the petitioner considers the final order, decision or award of *the commission made and filed by a commissioner or a referee*

to be unjust or unlawful, and every issue to be considered by the commission. The petition shall be verified upon oath in the manner required for verified pleadings in courts of record and shall contain a general statement of any evidence or other matters upon which the applicant relies in support thereof.

SEC. 18. Section 5903 of said code is amended to read:

5903. At any time within twenty days after the service of any final order, decision or award of the commission *made and filed by a commissioner or a referee* granting or denying compensation, or arising out of or incidental thereto, any person aggrieved thereby may petition for [a rehearing] *reconsideration* upon one or more of the following grounds and no other:

(a) That *by such order, decision, or award of the commission made and filed by the commissioner or referee*, the commission acted without or in excess of its powers.

(b) That the order, decision, or award was procured by fraud.

(c) That the evidence does not justify the findings of fact.

(d) That the petitioner has discovered new evidence material to him, which he could not, with reasonable diligence, have discovered and produced at the hearing.

(e) That the findings of fact do not support the order, decision, or award.

Nothing contained in this section shall limit the grant of continuing jurisdiction contained in Sections 5803 to 5805, inclusive.

SEC. 19. Section 5904 of said code is amended to read:

5904. The petitioner for [rehearing] *reconsideration* shall be deemed to have finally waived all objections, irregularities, and illegalities concerning the matter upon which the [rehearing] *reconsideration* is sought other than those set forth in the petition for [rehearing] *reconsideration*.

SEC. 20. Section 5905 of said code is amended to read:

5905. A copy of the petition for [rehearing] *reconsideration* shall be served forthwith upon all adverse parties by the person petitioning for [rehearing] *reconsideration*. Any adverse party may file an answer thereto within ten days thereafter. Such answer shall likewise be verified. The commission may require the petition for [rehearing] *reconsideration* to be served on other persons designated by it.

SEC. 21. Section 5906 of said code is hereby repealed and a new Section 5906 added, to read:

5906. Upon the filing of a petition for reconsideration the commission may affirm, rescind, alter, or amend the order, decision, or award of the commission made and filed by a commissioner or referee on the basis of the evidence previously submitted in the case, or may grant reconsideration and direct the taking of additional evidence. Notice of the time and place of any hearing on reconsideration shall be given to the petitioner and adverse parties and to such other persons as the commission orders.

SEC. 22. Section 5907 of said code is hereby repealed and a new Section 5907 added, to read:

5907. After the taking of additional evidence and a consideration of all of the facts the commission may affirm, rescind, alter, or amend the original order, decision, or award. An order, decision, or award made following reconsideration which affirms, rescinds, alters, or amends the original order, decision, or award shall be made by the commission as a whole or a panel thereof, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order, decision, or award, unless so ordered by the commission.

SEC. 23. Section 5908 of said code is hereby repealed and a new Section 5908 added, to read:

5908. Any decision of the commission as a whole or of a panel thereof denying a petition for reconsideration or affirming, rescinding, altering, or amending the original order, decision, or award following reconsideration shall be in writing, signed by a majority of the commission or of the panel and shall contain, in addition to findings of fact and conclusions of law, a statement of the essential evidence upon which the decision is based and a statement of the reasoning of the commission or of the panel in arriving at such decision.

*SEC. 24. Section 5909 of said code is amended to read:

5909. A petition for [a rehearing] *reconsideration* is deemed to have been denied by the commission unless it is acted upon within thirty days from the date of filing. The commission may, upon good cause being shown therefor, extend the time within which it may act upon such petition for not exceeding thirty days.

SEC. 25. Section 5910 of said is amended to read:

5910. The filing of a petition for [a rehearing] *reconsideration* shall suspend for a period of ten days the order, decision, or award affected, insofar as it applies to the parties to the petition, unless otherwise ordered by the commission. The commission upon the terms and conditions which it by order directs, may stay, suspend, or postpone the order, decision, or award during the pendency of [the rehearing] *reconsideration*.

SEC. 26. Section 5950 of said code is hereby repealed and a new Section 5950 is added, to read:

5950. Any person affected by an order, decision, or award of the commission may, within the time limits specified in this section, apply to the Supreme Court or to the district court of appeal of the appellate district in which he resides, for a writ of review, for the purpose of inquiring into and determining the lawfulness of the

original order, decision, or award or of the order, decision, or award following reconsideration. In the event the original order, decision, or award is made by the commission as a whole or by a panel, such application for writ of review must be made within thirty days after the making of such order, decision, or award. In the event the original order, decision, or award is made and filed by a commissioner or a referee, such application for writ of review must be made within thirty days after the petition for reconsideration is denied, or, if the petition is granted, within thirty days after the rendition of the order, decision, or award following reconsideration."

Amendment No. 23

On page 3 of said bill, strike out lines 31 to 49, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

REQUEST FOR UNANIMOUS CONSENT

Senator McBride asked for, and was granted, unanimous consent to have Senate Bills Nos. 880, 886, and 1314 sent to print with a rush order.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 245

Senator Dorsey moved that Senate Bill No. 245 be withdrawn from Committee on Water Resources for purpose of amendment and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 245—An act to create the Kern County Flood Control District.

Bill read second time.

Motion to Amend

Senator Dorsey moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 1 to 23, inclusive, and insert

"SECTION 1. A flood control district is hereby created, to be called "Kern County Flood Control District" and the boundaries and territory of said district shall be as follows: All the territory of the County of Kern, lying within the exterior boundaries thereof.

SEC. 2. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing to percolate into the soil within said district, or without such district, such waters, or to save or conserve in any manner all or any of such waters and protect from such flood or storm waters, the watercourses, watersheds, public highways, life and property in said district, and to prevent waste of water or diminution of the water supply in, or exportation of water from said district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district.

SEC. 3. Said district is hereby divided into twelve zones, which zones shall be numbered and denominated as: Zone one, zone two, zone three, zone four, zone five, zone six, zone seven, zone eight, zone nine, zone ten, zone eleven, zone twelve.

SEC. 4. Zone one (1) shall comprise all that territory and area included within the following described boundaries:

Beginning at the northeast corner of Sec. 2, T. 25 S., R. 28 E., M. D. M. and running thence south 2 miles to the southeast corner of Sec. 11 of said township; thence east 9 miles to the northeast corner of Sec. 17, T. 25 S., R. 30 E., M. D. M.; thence south 5 miles to the northeast corner of Sec. 8, T. 26 S., R. 30 E., M. D. M.; thence west 1 mile to the northwest corner of said Sec. 8; thence south 2 miles to the southwest corner of Sec. 17 of last-named township; thence east 1 mile to the southeast corner of said Sec. 17; thence south 3 miles to the southeast corner of Sec. 32 of last-named township; thence west 1 mile to the southwest corner of said Sec. 32; thence south $\frac{1}{2}$ mile to southeast corner of northeast quarter of Sec. 6, T. 27 S., R. 30 E.,

to southeast corner of said Sec. 6; thence south 1 mile; thence east 1 mile; thence south 3 miles to southeast corner of Sec. 29 of said township; thence west 1 mile; thence south 2 miles to the southeast corner of Sec. 6, T. 26 S., R. 32 E., M. D. M.; thence west 1 mile to southwest corner of last-named Sec. 6; thence south 3 miles to southeast corner of Sec. 24, T. 26 S., R. 31 E., M. D. M.; thence west 1 mile to southwest corner of said Sec. 24; thence south 2 miles to southeast corner of Sec. 35 of last-named township; thence west 1 mile to southeast corner of said Sec. 35; thence south 1 mile; thence west 1 mile; thence south 2 miles to southeast corner of Sec. 16, T. 27 S., R. 31 E., M. D. M.; thence west 1 mile; thence south 1 mile; thence west 2 miles to southwest corner of Sec. 19 of last-named township; thence south 2 miles to southwest corner of Sec. 31 of last-named township; thence west 1 mile; thence south 1 mile; thence west 1 mile; thence south 1 mile; thence west 2 miles to the northeast corner of Sec. 17, T. 28 S., R. 30 E., M. D. M.; thence south 1 mile thence west 3 miles to southwest corner of Sec. 13, T. 28 S., R. 29 E., M. D. M.; thence north 1 mile; thence west 3 miles to northwest corner of Sec. 16 of last-named township; thence south 1 mile to southwest corner of said Sec. 16; thence west 3 miles to the southwest corner of Sec. 13, T. 28 S., R. 28 E., M. D. M.; thence north 1 mile; thence west $6\frac{1}{2}$ miles to southwest corner of southeast quarter of Sec. 11, T. 28 S., R. 27 E., M. D. M.; thence north 1 mile; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west 1 mile to northwest corner of southwest quarter of Sec. 3, T. 28 S., R. 27 E., M. D. M.; thence south $\frac{1}{2}$ mile; thence west 3 miles to southwest corner of Sec. 6 of last-named township; thence south 1 mile; thence east 1 mile; thence south 2 miles to southwest corner of Sec. 20 of last-named township; thence east 2 miles; thence south 2 miles to southwest corner of Sec. 31 of last-named township; thence in a direct line to northwest corner of northeast quarter of Sec. 3, T. 29 S., R. 27 E., M. D. M.; thence south 1 mile; thence east $\frac{1}{2}$ mile to southeast corner of said Sec. 3; thence south 3 miles to southeast corner of Sec. 22 of last-named township; thence west $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence west along half-section lines 2 miles to the center of Sec. 29 of last-named township; thence south $\frac{1}{2}$ mile; thence west 6 miles to the southwest corner of southeast quarter of Sec. 29, T. 29 S., R. 26 E., M. D. M.; thence north along half-section lines 5 miles to northwest corner of northeast quarter of Sec. 5, T. 29 S., R. 26 E., M. D. M.; thence west 2 miles to southwest corner of Sec. 36, T. 28 S., R. 25 E., M. D. M.; thence north $\frac{1}{2}$ mile; thence west 1 mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west 1 mile to northeast corner of Sec. 29, T. 28 S., R. 25 E., M. D. M.; thence west 5 $\frac{1}{2}$ miles to southwest corner of southeast quarter of Sec. 21, T. 28 S., R. 24 E., M. D. M.; thence north $\frac{1}{2}$ mile; thence west $1\frac{1}{2}$ miles; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile to southwest corner of northwest quarter of Sec. 18, of last-named township; thence north 1 mile; thence west 1 mile; thence north $\frac{1}{2}$ mile; thence west 1 mile; thence north 1 mile to northwest corner of Sec. 2, T. 28 S., R. 23 E., M. D. M.; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west $1\frac{1}{2}$ miles; thence north 2 $\frac{1}{2}$ miles to northwest corner of Sec. 24, T. 27 S., R. 23 E., M. D. M.; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west along half-section lines 2 miles to center of Sec. 13, T. 27 S., R. 22 E., M. D. M.; thence north $\frac{1}{2}$ mile; thence west 1 mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north 1 mile; thence west $\frac{1}{2}$ mile to center of Sec. 3 of last-named township; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence east 1 mile to southeast corner of northeast quarter of Sec. 27, T. 26 S., R. 22 E., M. D. M.; thence north $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence east 1 mile to center of Sec. 24, of last-named township; thence north $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence north 1 mile; thence west 1 mile to southeast corner of Sec. 11 of last-named township; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north 2 $\frac{1}{2}$ miles to northwest corner of northeast quarter of Sec. 35, T. 25 S., R. 22 E., M. D. M.; thence east 3 $\frac{1}{2}$ miles to southeast corner of Sec. 29, T. 25 S., R. 23 E., M. D. M.; thence north 1 mile; thence east 1 mile; thence north 1 mile; thence east $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile to northwest corner of Sec. 6, T. 25 S., R. 24 E., M. D. M.; thence west 18 miles to northwest corner of Sec. 6, T. 25 S., R. 21 E., M. D. M.; thence south 1 mile; thence east 1 mile; thence south $\frac{1}{2}$ mile; thence east 1 mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile to southeast corner of northeast quarter of Sec. 22, of last-named township; thence south 3 $\frac{1}{2}$ miles to southeast corner of Sec. 3, T. 26 S., R. 21 E., M. D. M.; thence east $\frac{1}{2}$ mile; thence south 1 mile; thence east $\frac{1}{2}$ mile; thence south 2 miles; thence east $\frac{1}{2}$ mile; thence south along half-section lines 2 miles to southeast corner of southwest quarter of Sec. 36, T. 26 S., R. 21 E., M. D. M.; thence east $\frac{1}{2}$ mile; thence south 1 mile; thence east $\frac{1}{2}$ mile; thence south along half-section lines 2 miles to southeast corner of southwest quarter of Sec. 18, T. 27 S., R. 22 E., M. D. M.; thence east $\frac{1}{2}$ mile to southwest corner of said Sec. 18; thence south 4 miles to southeast corner of Sec. 6, T. 28 S., R. 22 E., M. D. M.; thence east $\frac{1}{2}$ mile; thence south 1 mile; thence east $\frac{1}{2}$ mile; thence south 2 $\frac{1}{2}$ miles to southwest corner of northwest quarter of Sec. 28, of last-named township; thence east $\frac{1}{2}$ mile; thence south 1 mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile to southeast corner of Sec. 33 of last-named township;

thence east to northeast corner of Sec. 3, T. 29 S., R. 22 E., M. D. M.; thence south 1 mile; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south 1 mile to the southeast corner of Sec. 33, T. 29 S., R. 23 E., M. D. M.; thence east 2 miles; thence south 1 mile; thence east 2 miles; thence south 1 mile; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south 1 mile to the southeast corner of Sec. 36, T. 30 S., R. 24 E., M. D. M.; thence east 2 miles; thence south 8 miles to southeast corner of Sec. 8, T. 32 S., R. 25 E., M. D. M.; thence east 19 miles to southeast corner of Sec. 9, T. 32 S., R. 28 E., M. D. M.; thence north $9\frac{1}{2}$ miles to southwest corner of northwest quarter of Sec. 27, T. 30 S., R. 28 E., M. D. M.; thence east 1 mile; thence north $2\frac{1}{2}$ miles; thence west 1 mile; thence north 1 mile; thence west 1 mile; thence north 1 mile; thence west 1 mile to northwest corner of Sec. 5, T. 30 S., R. 28 E., M. D. M.; thence north $3\frac{1}{2}$ miles to northwest corner of southwest quarter of Sec. 17, T. 29 S., R. 28 E., M. D. M.; thence east $\frac{1}{2}$ mile, to center of said Sec. 17; thence north $\frac{1}{2}$ mile; thence east $1\frac{1}{2}$ miles; thence north $\frac{1}{2}$ mile to northwest corner of Sec. 15, T. 29 S., R. 28 E., M. D. M.; thence east $1\frac{1}{2}$ miles to northeast corner of northwest quarter of Sec. 14 of last-named township; thence south 1 mile; thence east 1 mile; thence north $\frac{1}{2}$ mile; thence east $1\frac{1}{2}$ miles to southeast corner of northeast quarter of Sec. 18, T. 29 S., R. 29 E., M. D. M.; thence north $\frac{1}{2}$ mile; thence east $1\frac{1}{2}$ miles; thence south $\frac{1}{2}$ mile; thence east 1 mile to center of Sec. 15 of last-named township; thence north $\frac{1}{2}$ mile; thence east 1 mile; thence south 1 mile to southeast corner of southwest quarter of Sec. 14, of last-named township; thence east $\frac{1}{2}$ mile; thence south 1 mile; thence east 2 miles to northeast corner of Sec. 30, T. 29 S., R. 30 E., M. D. M.; thence south 1 mile; thence east 5 miles to southeast corner of Sec. 25 of last-named township; thence north 1 mile; thence east 2 miles; thence north 1 mile; thence east 3 miles; thence north 1 mile; thence east 2 miles to southeast corner of Sec. 7, T. 29 S., R. 32 E., M. D. M.; thence north 2 miles to northeast corner of Sec. 6 of last-named township; thence west to southwest corner of Sec. 31, T. 28 S., R. 32 E., M. D. M.; thence north 2 miles; thence east 6 miles to southeast corner of Sec. 24, T. 28 S., R. 32 E., M. D. M.; thence south to southwest corner of Sec. 19, T. 28 S., R. 33 E., M. D. M.; thence east 1 mile; thence north 1 mile; thence east 3 miles to northeast corner of Sec. 22, T. 28 S., R. 33 E., M. D. M.; thence south 1 mile; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south to southwest corner of Sec. 6, T. 29 S., R. 34 E., M. D. M.; thence east 5 miles to southeast corner of Sec. 2 of last-named township; thence north to southwest corner of Sec. 25, T. 28 S., R. 34 E., M. D. M.; thence east 1 mile to southeast corner of said Sec. 25; thence north to southwest corner of Sec. 19, T. 28 S., R. 35 E., M. D. M.; thence east 6 miles to southeast corner of Sec. 24 of last-named township; thence north 4 miles to northeast corner of Sec. 1 of last-named township; thence east to southeast corner of Sec. 31, T. 27 S., R. 36 E., M. D. M.; thence north 3 miles to northwest corner of Sec. 20 of last-named township; thence east 1 mile; thence north 4 miles to northwest corner of Sec. 33, T. 26 S., R. 36 E., M. D. M.; thence east 4 miles to southeast corner of Sec. 25 of last-named township; thence north 3 miles to northwest corner of Sec. 18, T. 26 S., R. 37 E., M. D. M.; thence east 2 miles; thence north 8 miles to northeast corner of Sec. 5, T. 25 S., R. 37 E., M. D. M.; thence west 32 miles to place of beginning.

SEC. 7. Zone four (4) shall comprise all that territory and area included within the following described boundaries:

Beginning at the southeast corner of Sec. 8, T. 30 S., R. 30 E., M. D. M.; and running thence north $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence north along half-section lines $2\frac{1}{2}$ miles to northwest corner of northeast quarter of Sec. 33, T. 29 S., R. 30 E., M. D. M.; thence east $3\frac{1}{2}$ miles to southeast corner of Sec. 25 of last-named township; thence north 1 mile; thence east 2 miles; thence north 1 mile; thence east 3 miles; thence north 1 mile; thence east 2 miles to southeast corner of Sec. 7, T. 29 S., R. 32 E., M. D. M.; thence north 2 miles to northeast corner of Sec. 6 of last-named township; thence west to southwest corner of Sec. 31, T. 28 S., R. 32 E., M. D. M.; thence north 2 miles; thence east 6 miles to southeast corner of Sec. 24, T. 28 S., R. 32 E., M. D. M.; thence south to southwest corner of Sec. 19, T. 28 S., R. 33 E., M. D. M.; thence east 1 mile; thence north 1 mile; thence east 3 miles to northeast corner of Sec. 22, T. 28 S., R. 33 E., M. D. M.; thence south 1 mile; thence east 1 mile; thence south 1 mile; thence east 1 mile; thence south to southwest corner of Sec. 6, T. 29 S., R. 34 E., M. D. M.; thence east 2 miles to northeast corner of Sec. 8, T. 29 S., R. 34 E., M. D. M.; thence south 3 miles to southeast corner of Sec. 20 of last-named township; thence east 2 miles; thence south 4 miles to southeast corner of Sec. 10, T. 30 S., R. 34 E., M. D. M.; thence east 1 mile; thence south 4 miles; thence east 2 miles to northeast corner of Sec. 6, T. 31 S., R. 35 E., M. D. M.; thence south 3 miles to southeast corner of Sec. 18 of last-named township; thence west 1 mile to southwest corner of said Section 18; thence south to northeast corner of Sec. 24, T. 31 S., R. 34 E., M. D. M.; thence west 1 mile to northwest corner of said Sec. 24; thence south $\frac{1}{2}$ mile; thence west along half-section lines 4 miles to northwest corner of southwest quarter of Sec. 20 of last-named township; thence south $\frac{1}{2}$ mile to southwest corner of said Sec. 20; thence west 1 mile to southwest corner of Sec. 19 of last-named

township; thence north to southeast corner of Sec. 24, T. 31 S., R. 33 E., M. D. M.; thence west 3 miles to northwest corner of Sec. 27 of last-named township; thence south 4 miles to southwest corner of Sec. 10, T. 32 S., R. 33 E., M. D. M.; thence east 1 mile, thence south 3 miles; thence west 1 mile; thence south 1 mile to southwest corner of Sec. 34 of last-named township; thence west to northeast corner of Sec. 35, T. 12 N., R. 15 W., S. B. M.; thence south 2 miles to southeast corner of Sec. 2, T. 11 N., R. 15 W., S. B. M.; thence west 1 mile; thence south 1 mile; thence west 1 mile; thence south 1 mile; thence west 1 mile to southwest corner of Sec. 16 of last-named township; thence south 3 miles to southeast corner of Sec. 32 of last-named township; thence west 7 miles to the northwest corner of Sec. 5, T. 10 N., R. 16 W., S. B. M.; thence south 5 miles to southwest corner of Sec. 29 of last-mentioned township; thence west to northwest corner of Sec. 31 of last-mentioned township; thence in a direct line to the northeast corner of Sec. 25, T. 10 N., R. 17 W., S. B. M.; thence west 2 miles to northwest corner of Sec. 26 of last-mentioned township; thence south to southwest corner of Sec. 35 of last-mentioned township; thence west 2 miles more or less to northwest corner of Sec. 5, T. 9 N., R. 17 W., S. B. M.; thence south 1 mile; thence west 1 mile; thence south 1 mile; thence west 1 mile; thence south 1 mile, more or less to the northerly boundary line of Rancho La Liebre; thence southwesterly and along said northerly boundary line to corner No. 1 of said Rancho La Liebre; thence northwesterly in a direct line to corner No. 3 of Rancho Castac; thence northwesterly and along the boundary line of Rancho Castac to the southeast corner of the southwest quarter of Sec. 12, T. 10 N., R. 19 W., S. B. M.; thence west $1\frac{1}{2}$ miles to southwest corner of Sec. 11 of last-named township; thence north 6 miles to northwest corner of Sec. 14, T. 11 N., R. 19 W., S. B. M.; thence west 2 miles to southwest corner of Sec. 9 of last-named township; thence north $3\frac{1}{2}$ miles to northeast corner of Sec. 29, T. 12 N., R. 19 W., S. B. M.; thence west to southwest corner of Sec. 36, T. 32 S., R. 28 E., M. D. M.; thence north 4 miles to northeast corner of Sec. 14 of last-named township; thence west 2 miles to southwest corner of Sec. 10 of last-named township; thence north $9\frac{1}{2}$ miles to northwest corner of southwest quarter of Sec. 27, T. 30 S., R. 28 E., M. D. M.; thence east along half-section lines 9 miles to southeast corner of northeast quarter of Sec. 25, T. 30 S., R. 29 E., M. D. M.; thence north 1 mile; thence east $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile, thence east $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile to the place of beginning.

SEC. 8. Zone five (5) shall comprise all that territory and area included within the following described boundaries:

Beginning at a point on the south boundary line of Kern County, which point lies due south of Corner No. 1 of Rancho La Liebre, and running thence north 1 mile, more or less to said Corner No. 1; thence northwesterly in a direct line to Corner No. 3 of Rancho Castac; thence northwesterly and along the boundary line of Rancho Castac to the southeast corner of the southwest quarter of Sec. 12, T. 10 N., R. 19 W., S. B. M.; thence west $1\frac{1}{2}$ miles to southwest corner of Sec. 11 of last-named township; thence north 6 miles to northwest corner of Sec. 14, T. 11 N., R. 19 W., S. B. M.; thence west 2 miles to southwest corner of Sec. 9 of last-named township; thence north $3\frac{1}{2}$ miles to northeast corner of Sec. 29, T. 12 N., R. 19 W., S. B. M.; thence west to southwest corner of Sec. 36, T. 32 S., R. 28 E., M. D. M.; thence north 4 miles to northeast corner of Sec. 14 of last-named township; thence west 21 miles to southeast corner of Sec. 8, T. 32 S., R. 25 E., M. D. M.; thence north 8 miles to northeast corner of Sec. 5, T. 31 S., R. 25 E., M. D. M.; thence west 4 miles to southwest corner of Sec. 35, T. 30 S., R. 24 E., M. D. M.; thence north $\frac{1}{2}$ mile; thence west along half-section lines 3 miles to southwest corner of northwest quarter of Sec. 32 of last-named township; thence north $\frac{1}{2}$ mile; thence west $7\frac{1}{2}$ miles to northwest corner of northeast quarter of Sec. 36, T. 30 S., R. 22 E., M. D. M.; thence south $1\frac{1}{2}$ miles; thence west 2 miles; thence north $1\frac{1}{2}$ miles; thence west $\frac{1}{2}$ mile to northwest corner of Sec. 34, T. 30 S., R. 22 E., M. D. M.; thence north 1 mile; thence west 2 miles; thence north $\frac{1}{2}$ mile; thence west 1 mile to southwest corner of northwest quarter of Sec. 19 of last-named township; thence to the southeast corner of Sec. 13, T. 20 S., R. 21 E., M. D. M.; thence west 1 mile; thence north 1 mile; thence west 2 miles to the southwest corner of Sec. 10 of last-named township; thence north 1 mile; thence west 5 miles to the southwest corner of Sec. 2, T. 30 S., R. 20 E., M. D. M. being a point on the west boundary line of Kern County; thence in a general southeasterly direction and along the boundary line of Kern County to the place of beginning.

SEC. 9. Zone six (6) shall comprise all that territory and area included within the following described boundaries:

Beginning at the southwest corner of Sec. 2, T. 30 S., R. 20 E., M. D. M., being a point on the west boundary line of Kern County and running thence east 5 miles to northwest corner of Sec. 10, T. 30 S., R. 21 E., M. D. M.; thence south 1 mile; thence east 2 miles to northeast corner of Sec. 14 of last-named township; thence south 1 mile; thence east 1 mile to southeast corner of Sec. 13 of last-named township; thence south to the southwest corner of the northwest quarter of Sec. 19, T. 30 S., R. 22 E., M. D. M.; thence east 1 mile; thence south $\frac{1}{2}$ mile; thence east 2 miles to the northeast corner of Sec. 28 of last-named township; thence south 1 mile; thence east $\frac{1}{2}$ mile; thence south $1\frac{1}{2}$ miles; thence east 2 miles; thence north $1\frac{1}{2}$ miles to northwest corner of northeast quarter of Sec. 36, T. 30 S., R. 22 E., M. D. M.; thence

east $7\frac{1}{2}$ miles to northeast corner of Sec. 31, T. 30 S., R. 24 E., M. D. M.; thence south $\frac{1}{2}$ mile; thence east along half-section lines 3 miles to northeast corner of southeast quarter of Sec. 34, of last-named township; thence south $\frac{1}{2}$ mile; thence east 2 miles to southeast corner of Sec. 35, of last-named township; thence north 1 mile; thence west 1 mile; thence north 1 mile; thence west 1 mile; thence north 1 mile; thence west 1 mile; thence north 1 mile to northwest corner of Sec. 15, T. 30 S., R. 24 E., M. D. M.; thence west 2 miles; thence north 1 mile; thence west 2 miles; thence north 1 mile to northeast corner of Sec. 2, T. 30 S., R. 23 E., M. D. M.; thence west 2 miles; thence north 1 mile; thence west 1 mile; thence north 1 mile; thence west 1 mile; thence north 1 mile; thence west 1 mile; thence north 1 mile; thence west 1 mile; thence north 1 mile to northeast corner of Sec. 3, T. 29 S., R. 22 E., M. D. M.; thence west $\frac{1}{2}$ miles, more or less, to the southwest corner of Sec. 34, T. 28 S., R. 21 E., M. D. M.; thence north 3 miles to northeast corner of Sec. 21 of last-named township; thence west 3 miles to southwest corner of Sec. 18 of last-named township; thence north 6 miles to southwest corner of Sec. 18, T. 27 S., R. 21 E., M. D. M.; thence west 3 miles to southwest corner of Sec. 15, T. 27 S., R. 20 E., M. D. M.; thence north 6 miles to southwest corner of Sec. 15, T. 26 S., R. 20 E., M. D. M.; thence west 12 miles to southwest corner of Sec. 15, T. 26 S., R. 18 E., M. D. M.; thence north 9 miles to northeast corner of Sec. 3, T. 25 S., R. 18 E., M. D. M.; thence west 9 miles to the west corner of Sec. 6, T. 25 S., R. 17 E., M. D. M., being the northwest corner of Kern County; thence in a general southeasterly direction and along the west boundary line of Kern County to the place of beginning.

SEC. 10. Zone seven (7) shall comprise all that territory and area included within the following described boundaries:

Beginning at the northeast corner of Sec. 2, T. 25 S., R. 40 E., M. D. M., being the northeast corner of Kern County, and running thence west 21 miles, more or less to the northeast corner of Sec. 5, T. 25 S., R. 37 E., M. D. M.; and running thence south 8 miles to southeast corner of Sec. 8, T. 26 S., R. 37 E., M. D. M.; thence west 2 miles; thence south 3 miles to southeast corner of Sec. 25, T. 26 S., R. 36 E., M. D. M.; thence west 4 miles; thence south 4 miles to southeast corner of Sec. 17, T. 27 S., R. 36 E., M. D. M.; thence west 1 mile; thence south 3 miles to southeast corner of Sec. 31, T. 27 S., R. 36 E., M. D. M.; thence west to northeast corner of Sec. 1, T. 28 S., R. 35 E., M. D. M.; thence south 4 miles to southeast corner of Sec. 24 of last-named township; thence west 6 miles to southwest corner of Sec. 19, of last-named township; thence south to southeast corner of Sec. 25, T. 28 S., R. 34 E., M. D. M.; thence west 1 mile to southwest corner of said Sec. 25; thence south to southeast corner of Sec. 2, T. 29 S., R. 34 E., M. D. M.; thence west 3 miles to northeast corner of Sec. 8, of last-named township; thence south 3 miles to southeast corner of Sec. 20 of last-named township; thence east 2 miles; thence south 4 miles to southeast corner of Sec. 10, T. 30 S., R. 34 E., M. D. M.; thence east 1 mile; thence south 4 miles; thence east 2 miles to northeast corner of Sec. 6, T. 31 S., R. 35 E., M. D. M.; thence south 3 miles to southeast corner of Sec. 18 of last-named township; thence east 1 mile to northeast corner of Sec. 20 of last-named township; thence south 3 miles to southeast corner of Sec. 32 of last-named township; thence west 1 mile to southwest corner of said Sec. 32; thence south 2 miles to southwest corner of Sec. 8, T. 32 S., R. 35 E., M. D. M.; thence east 4 miles to southwest corner of Sec. 12 of last-named township; thence north 1 mile; thence east 2 miles to southeast corner of Sec. 6, T. 32 S., R. 36 E., M. D. M.; thence north 1 mile; thence east 1 mile; thence north 1 mile to northeast corner of Sec. 32, T. 31 S., R. 36 E., M. D. M.; thence east 3 miles to northeast corner of Sec. 35, T. 31 S., R. 36 E., M. D. M.; thence south 7 miles to southeast corner of Sec. 35, T. 32 S., R. 36 E., M. D. M.; thence west 5 miles to southwest corner of Sec. 31, of last-named township; thence north 1 mile; thence west 4 miles to northwest corner of Sec. 33, T. 32 S., R. 35 E., M. D. M.; thence south $\frac{1}{2}$ mile; thence west along half-section lines 2 miles to northwest corner of southwest quarter of Sec. 31 of last-named township; thence south $\frac{1}{2}$ mile; thence west 1 mile, more or less, to northwest corner of Sec. 32, T. 12 N., R. 13 W., S. B. M.; thence south 1 mile, more or less, to southwest corner of said Sec. 32; thence west 2 miles to northwest corner of Sec. 1, T. 11 N., R. 14 W., S. B. M.; thence south 1 mile; thence west 3 miles to northwest corner of Sec. 9 of last-named township; thence south 1 mile; thence west 1 mile; thence south 1 mile to southeast corner of Sec. 18 of last-named township; thence west 5 miles to southwest corner of Sec. 16, T. 11 N., R. 15 W., S. B. M.; thence south 3 miles to southeast corner of Sec. 32 of last-named township; thence west 7 miles to northwest corner of Sec. 5, T. 10 N., R. 16 W., S. B. M.; thence south 5 miles to southwest corner of Sec. 29 of last-named township; thence west to northwest corner of Sec. 31 of last-named township; thence in a direct line to the northeast corner of Sec. 25, T. 10 N., R. 17 W., S. B. M.; thence west 2 miles to northwest corner of Sec. 26, of last-named township; thence south to southwest corner of Sec. 25 of last-named township; thence west 2 miles, more or less, to northwest corner of Sec. 5, T. 9 N., R. 17 W., S. B. M.; thence south 1 mile; thence west 1 mile; thence south 1 mile; thence west 1 mile; thence south 1 mile, more or less, to the northerly boundary line of Rancho La Liebre; thence southwesterly and along said northerly boundary line to corner No. 1 of said Rancho La Liebre; thence due south to the south boundary

line of Kern County; thence east $65\frac{1}{2}$ miles, more or less to the southeast corner of Sec. 32, T. 9 N., R. 7 W., S. E. M., being the southeast corner of Kern County; thence northerly and along the east boundary line of Kern County to the place of beginning.

SEC. 11. Zone eight (8) shall comprise all that territory and area included within the following described boundaries:

Beginning at the northeast corner of Sec. 20, T. 31 S., R. 35 E., M. D. M. and running thence south 3 miles to southeast corner of Sec. 32 of said township; thence west 1 mile to southwest corner of said Sec. 32; thence south 2 miles to southwest corner of Sec. 8, T. 32 S., R. 35 E., M. D. M.; thence east 4 miles to southwest corner of Sec. 12 of last named township; thence north 1 mile; thence east 2 miles to southeast corner of Sec. 6, T. 32 S., R. 36 E., M. D. M.; thence north 1 mile; thence east 1 mile; thence north 1 mile to northeast corner of Sec. 32, T. 31 S., R. 36 E., M. D. M.; thence east $\frac{3}{4}$ miles to northeast corner of Sec. 35, T. 31 S., R. 36 E., M. D. M.; thence south 7 miles to southeast corner of Sec. 35, T. 32 S., R. 36 E., M. D. M.; thence west 5 miles to southwest corner of Sec. 31 of last named township; thence north 1 mile; thence west 4 miles to northwest corner of Sec. 33, T. 32 S., R. 35 E., M. D. M.; thence south $\frac{1}{2}$ mile; thence west along half section lines 2 miles to northwest corner of southwest quarter of Sec. 31 of last named township; thence south $\frac{1}{2}$ mile; thence west 1 mile, more or less, to northwest corner of Sec. 32, T. 12 N., R. 13 W., S. B. M.; thence south 1 mile, more or less, to southwest corner of said Sec. 32; thence west 2 miles to northwest corner of Sec. 1, T. 11 N., R. 14 W., S. B. M.; thence south 1 mile; thence west 3 miles to northwest corner of Sec. 9 of last named township; thence south 1 mile; thence west 1 mile; thence south 1 mile to southeast corner of Sec. 18 of last named township; thence west 4 miles to southeast corner of Sec. 16, T. 11 N., R. 15 W., S. B. M.; thence north 1 mile; thence east 1 mile; thence north 1 mile; thence east $\frac{1}{2}$ mile; thence north 2 miles to northeast corner of Sec. 35, T. 12 N., R. 15 W., S. B. M.; thence east to southwest corner of Sec. 34, T. 32 S., R. 33 E., M. D. M.; thence north 1 mile; thence east 1 mile; thence north 3 miles to southeast corner of Sec. 10 of last named township; thence west 1 mile to southwest corner of said Sec. 10; thence north 4 miles to northwest corner of Sec. 27, T. 31 S., R. 33 E., M. D. M.; thence east 3 miles to southeast corner of Sec. 24 of last named township; thence south to southwest corner of Sec. 19, T. 31 S., R. 34 E., M. D. M.; thence east 1 mile, thence north $\frac{1}{2}$ mile to northwest corner of southwest quarter of Sec. 20 of last named township; thence east along half section lines 4 miles to southeast corner of northeast quarter of Sec. 23 of last named township; thence north $\frac{1}{2}$ mile; thence east 1 mile to northeast corner of Sec. 24 of last named township; thence north to southwest corner of Sec. 18, T. 31 S., R. 35 E., M. D. M.; thence east 2 miles to place of beginning.

SEC. 12. Zone nine (9) shall comprise all that territory and area included within the following described boundaries:

Beginning at the northwest corner of Sec. 6, T. 25 S., R. 21 E., M. D. M. and running thence south 1 mile; thence east 1 mile; thence south $\frac{1}{2}$ mile; thence east 1 mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile to southeast corner of northeast quarter of Sec. 22 of said township; thence south $3\frac{1}{2}$ miles to southeast corner of Sec. 3, T. 26 S., R. 21 E., M. D. M.; thence east $\frac{1}{2}$ mile; thence south 1 mile; thence east $\frac{1}{2}$ mile; thence south 2 miles; thence east $\frac{1}{2}$ mile; thence south along half section lines 2 miles to southeast corner of southwest quarter of Sec. 36, T. 26 S., R. 21 E., M. D. M.; thence east $\frac{1}{2}$ mile; thence south 1 mile; thence east $\frac{1}{2}$ mile; thence south along half section lines 2 miles to southeast corner of southwest quarter of Sec. 18, T. 27 S., R. 22 E., M. D. M.; thence east $\frac{1}{2}$ mile to southeast corner of said Sec. 18; thence south 1 mile to southeast corner of Sec. 6, T. 28 S., R. 22 E., M. D. M.; thence east $\frac{1}{2}$ mile; thence south 1 mile; thence east $\frac{1}{2}$ mile; thence south $2\frac{1}{2}$ miles to southwest corner of northwest quarter of Sec. 28, of last named township; thence east $\frac{1}{2}$ mile; thence south 1 mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile to southeast corner of Sec. 33 of last named township; thence west 6 miles to the southwest corner of Sec. 34, T. 28 S., R. 21 E., M. D. M.; thence north 3 miles to northeast corner of Sec. 21 of last named township; thence west 3 miles to southwest corner of Sec. 18 of last named township; thence north 6 miles to southwest corner of Sec. 18, T. 27 S., R. 21 E., M. D. M.; thence west 3 miles to southwest corner of Sec. 15, T. 27 S., R. 20 E., M. D. M.; thence north 6 miles to southwest corner of Sec. 15, T. 26 S., R. 20 E., M. D. M.; thence west 12 miles to southwest corner of Sec. 15, T. 26 S., R. 18 E., M. D. M.; thence north 9 miles to northwest corner of Sec. 3, T. 25 S., R. 18 E., M. D. M.; thence east 15 miles to place of beginning.

SEC. 13. Zone ten (10) shall comprise all that territory and area included within the following described boundaries:

Beginning at the southeast corner of Sec. 8, T. 25 S., R. 30 E., M. D. M.; and running thence west 9 miles to southwest corner of Sec. 12, T. 25 S., R. 28 E., M. D. M.; thence north 2 miles to northwest corner of Sec. 1 of last named township; thence east 9 miles to northeast corner of Sec. 5, T. 25 S., R. 30 E., M. D. M.; thence south 2 miles to place of beginning.

SEC. 14. Zone eleven (11) shall comprise all that territory and area included within the following described boundaries:

Beginning at the southwest corner of Sec. 7, T. 28 S., R. 27 E., M. D. M., and running thence east 1 mile; thence south 2 miles to southwest corner of Sec. 20 of said township; thence east 2 miles; thence south 2 miles to southwest corner of Sec. 34 of last named township; thence in a direct line to northwest corner of northeast quarter of Sec. 3, T. 29 S., R. 27 E., M. D. M.; thence south 1 mile; thence east $\frac{1}{2}$ mile to southeast corner of said Sec. 3; thence south 3 miles to southeast corner of Sec. 22 of last named township; thence west $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence west along half-section lines 2 miles to center of Sec. 29 of last named township; thence south $\frac{1}{2}$ mile; thence west 6 miles to the southwest corner of southeast quarter of Sec. 29, T. 29 S., R. 26 E., M. D. M.; thence north along half-section lines 5 miles to northwest corner of northeast quarter of Sec. 5, T. 29 S., R. 26 E., M. D. M.; thence west 2 miles to southwest corner of Sec. 36, T. 28 S., R. 26 E., M. D. M.; thence north $\frac{1}{2}$ mile; thence west 1 mile; thence north $\frac{1}{2}$ mile; thence west 1 mile; thence north $\frac{1}{2}$ mile; thence west 1 mile; thence north $\frac{1}{2}$ mile to northeast corner of Sec. 29, T. 28 S., R. 25 E., M. D. M.; thence west $5\frac{1}{2}$ miles to southwest corner of southeast quarter of Sec. 21, T. 28 S., R. 24 E., M. D. M.; thence north $\frac{1}{2}$ mile; thence west $1\frac{1}{2}$ miles; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile to southwest corner of northwest quarter of Sec. 18 of last-named township; thence north 1 mile; thence west 1 mile; thence north $\frac{1}{2}$ mile; thence west 1 mile; thence north 1 mile to northwest corner of Sec. 2, T. 28 S., R. 23 E., M. D. M.; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west $1\frac{1}{2}$ miles; thence north $2\frac{1}{2}$ miles to northwest corner of Sec. 21, T. 27 S., R. 23 E., M. D. M.; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west along half-section lines 2 miles to center of Sec. 13, T. 27 S., R. 22 E., M. D. M.; thence north $\frac{1}{2}$ mile; thence west 1 mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile to center of Sec. 3 of last-named township; thence north $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence north $1\frac{1}{2}$ miles; thence east 1 mile to southeast corner of northeast quarter of Sec. 27, T. 26 S., R. 22 E., M. D. M.; thence north $\frac{1}{2}$ mile; thence east 15 miles to northeast corner of Sec. 30, T. 26 S., R. 25 E., M. D. M.; thence south 1 mile; thence east $2\frac{1}{2}$ miles to southeast corner of southwest quarter of Sec. 27 of last-named township; thence south $2\frac{1}{2}$ miles to center of Sec. 10, T. 27 S., R. 25 E., M. D. M.; thence west 1 mile to center of Sec. 9 of last-named township; thence south along half-section lines $3\frac{1}{2}$ miles to southeast corner of southwest quarter of Sec. 28, T. 27 S., R. 25 E., M. D. M.; thence east $4\frac{1}{2}$ miles to southeast corner of Sec. 30, T. 27 S., R. 26 E., M. D. M.; thence north $\frac{1}{2}$ mile; thence east along half-section lines 2 miles to northeast corner of southeast quarter of Sec. 28 of last-named township; thence south $\frac{1}{2}$ mile; thence east 2 miles to northeast corner of Sec. 35 of last-named township; thence south 1 mile; thence east $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence east $\frac{1}{2}$ mile; thence south $1\frac{1}{2}$ miles to place of beginning.

SEC. 15. Zone twelve (12) shall comprise all that territory and area included within the following described boundaries:

Beginning at the southeast corner of the northeast quarter of Sec. 25, T. 30 S., R. 29 E., M. D. M.; and running thence west along half-section lines 8 miles to southwest corner of northwest quarter of Sec. 26, T. 30 S., R. 28 E., M. D. M.; thence north $2\frac{1}{2}$ miles; thence west 1 mile; thence north 1 mile; thence west 1 mile; thence north 1 mile; thence west 1 mile to northwest corner of Sec. 5, T. 30 S., R. 28 E., M. D. M.; thence north $3\frac{1}{2}$ miles to northwest corner of southwest quarter of Sec. 17, T. 29 S., R. 28 E., M. D. M.; thence east $\frac{1}{2}$ mile to the center of said Sec. 17; thence north $\frac{1}{2}$ mile; thence east $1\frac{1}{2}$ miles; thence north $\frac{1}{2}$ mile to northwest corner of Sec. 15, T. 29 S., R. 28 E., M. D. M.; thence east $1\frac{1}{2}$ miles to northeast corner of northwest quarter of Sec. 14 of last-named township; thence south 1 mile; thence east 1 mile; thence north $\frac{1}{2}$ mile; thence east $1\frac{1}{2}$ miles to southeast corner of northeast quarter of Sec. 18, T. 29 S., R. 29 E., M. D. M.; thence north $\frac{1}{2}$ mile; thence east $1\frac{1}{2}$ miles; thence south $\frac{1}{2}$ mile; thence east 1 mile to center of Sec. 15 of last-named township; thence north $\frac{1}{2}$ mile; thence east 1 mile; thence south 1 mile to southeast corner of southwest quarter of Sec. 14 of last-named township; thence east $\frac{1}{2}$ mile; thence south 1 mile; thence east 2 miles to northeast corner of Sec. 30, T. 29 S., R. 30 E., M. D. M.; thence south 1 mile; thence east $1\frac{1}{2}$ miles to northeast corner of northwest quarter of Sec. 33, T. 29 S., R. 30 E., M. D. M.; thence south along half-section lines $2\frac{1}{2}$ miles to center of Sec. 9, T. 30 S., R. 30 E., M. D. M.; thence west $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence south $\frac{1}{2}$ mile; thence west $\frac{1}{2}$ mile; thence south 1 mile to place of beginning.

SEC. 16. Powers of District. Kern County Flood Control District is hereby declared to be a body corporate and politic and as such shall have power:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise or lease, or otherwise, and to hold, use, and enjoy and to lease or dispose of real or personal property of every kind within or without the district necessary or convenient to the full exercise of its powers.

5. To acquire, by purchase, lease, construction or otherwise, or contract to acquire, lands, rights of way, easements, privileges and property of every kind, whether real or personal, and to construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements or property acquired by it as authorized by this act.

6. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, same for any useful purpose to the district; to commence, maintain, intervene in and compromise, in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within the district used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district, or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for the beneficial use the surface or subsurface water used in said district and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in the district; provided, however that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights within the boundaries of the district and which do not involve taking water outside of or away from the district;

7. To control the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes within said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district.

8. To have and exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and to condemn any existing works or improvements in said district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless previous compensation be first ascertained and paid therefor, under the laws of this State authorizing the taking of private property for public uses.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, whether in this or in other states, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and hold the stock of corporations, domestic or foreign owning water or water rights, canals, waterworks, power plants, franchises, concessions or rights; to enter into and do any acts necessary or proper for the performance of any agreement with the United States or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Kern County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled or to

carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or the right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch or conduit of the district to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured for the use of the Kern County Flood Control District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To carry on technical and other investigations of all kinds, make measurements, construct and make analyses, studies and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district.

11. To incur indebtedness, and to issue bonds in the manner herein provided.

12. To cause taxes to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

13. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.

SEC. 17. Board of Supervisors: Officers: Employment of Special Counsel and Appointment of Officers, etc.: Legislative Acts. The board of supervisors of Kern County shall be, and they are hereby designated as, and empowered to act as, ex officio the board of supervisors of said Kern County Flood Control District and said board of supervisors is hereby vested with the same powers and shall perform the same duties for and on behalf of said district, and the government thereof, to carry out the objects and purposes of this act that the board of supervisors of Kern County now have or may hereafter have by law for said Kern County, and shall also have such other or additional powers for said district as may be necessary to carry out any of the objects or purposes of this act, or to exercise any of the said powers of said district; provided, that such powers and duties are not in conflict with the express terms of this act.

Officers. The district attorney, county surveyor, county highway commissioner, county counsel, county assessor, county tax collector, county auditor and county treasurer of the County of Kern, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Kern County, their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said Kern County Flood Control District, and shall respectively perform, unless otherwise provided by said board of supervisors, the same various duties for said district as for said Kern County, in order to carry out the provisions of this act.

Employment of Special Counsel and Appointment of Officers, etc. Said board of supervisors may in their discretion employ special counsel and appoint a chairman, a secretary and such other officers, agents and employees of said board or district as in their judgment may be deemed necessary, prescribe their duties and fix their compensation, said officers, agents and employees to hold their respective offices or positions during the pleasure of said board.

Legislative Acts. All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Kern.

SEC. 18. Rules and Regulations: Appointment of Agents, etc. The said board of supervisors of said district shall have authority to make and enforce all needed rules and regulations for the administration and government of said district, and to appoint and employ all needed agents, superintendents, engineers and employees to properly look after the performance of any work provided for in this act and to operate and maintain said works, and to perform all other acts necessary or proper to accomplish the purposes of this act.

SEC. 19. Employment of Engineers: Reports: Supplementary Reports: Recommendations: Authority to Employ Engineers, Surveyors, etc.: Removals and Filling Vacancies. Said board of supervisors shall have jurisdiction and power to employ by resolution a competent engineer or engineers to investigate carefully the

best plan or plans to control the flood and storm waters of said district, and the zones thereof, and the flood and storm waters of streams that have their source outside of said district but which stream and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within or without said district, or to save or conserve in any manner, any or all of such waters, and to protect the watercourses, watersheds, public highways, life and property in said district from damage from such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act, and such resolution may direct such engineer or engineers to make and file reports from time to time with said board of supervisors, which shall show:

1. A general description of the work to be done on each project or work of improvement.

2. General plans, profiles, cross-sections and general specifications of the work to be done on each project or work of improvement.

3. A general description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work.

4. A map or maps which shall show the location and zone of each of said projects or improvements, and lands, rights of way, easements, and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

5. An estimate of the cost of each project or work of improvement, including an estimate of the cost of lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said project or work of improvement, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds, if any necessary to be issued to pay for the same.

Supplementary Reports and Recommendations. Said engineer or engineers shall from time to time and as directed by the board of supervisors file with said board supplementary, amendatory and additional reports and recommendations, as necessity and convenience may require.

Authority to Employ Engineers, Surveyors, etc. Such engineer or engineers, employed by said resolution, shall have power and authority, subject to the control and direction of said board of supervisors, to employ such engineers, surveyors, and others, as may be required for making all surveys or doing any other work necessary for the making of such report.

Removals and Filling Vacancies. The said board of supervisors may at any time remove any or all of the engineers or employees appointed or employed under this act, and may fill any vacancies occurring among them from any cause.

Sec. 20. Title to Property: Authority as to Property: Disposal of Unneeded Property. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board of supervisors is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property, as herein provided; and said board of supervisors may determine, by resolution duly entered in their minutes that any property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell or otherwise dispose of said property, or lease the same.

Sec. 21. Authority to Levy Taxes. The board of supervisors of said district shall have power, in any year:

1. To levy a tax upon all taxable property in the district, which tax, however, shall not exceed in any one fiscal year one cent (\$.01) on each one hundred dollars (\$100) of assessed valuation of the taxable property in said district, to pay preliminary costs of administration, engineering plans and technological investigation preliminary to and for the purpose of aiding the board of directors in making a decision on the planning or undertaking of any project of work or improvement for the benefit of any particular zone or zones; provided, however, that, at the conclusion of said preliminary planning and investigation, the costs thereof for the foregoing purpose that have been borne by the entire district shall be taxed against the zone or zones determined by the board to be the recipient or recipients of benefit therefrom and after collection shall be paid to the county treasury to the credit of the general fund of the county.

2. To levy a tax upon all taxable property in each or any of said zones, according to the benefits derived or to be derived by said respective zones, to pay the costs and expenses of carrying out any of the objects or purposes of this act of benefit to said respective zones, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements within said respective zones, and also including the costs and expenses of the planning, investigating and engineering thereof and costs of administration of the foregoing.

SEC. 21a. Levy and Collection of Taxes: Crediting and Expenditure of Revenues: Limitations. Said taxes shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of

supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes levied under the provisions of subdivision 2 of Section 21 shall be expended for planning, consulting, engineering, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone except as provided in Section 22 hereof, and as provided in subdivision 1 of Section 21; and provided further, however, that the aggregate taxes levied under this act for any one fiscal year shall not exceed twenty cents (\$.20) on each one hundred dollars (\$100) of the assessed valuation of the taxation property in said zones exclusive of any tax levied to meet the bonded indebtedness of said zones and the interest thereon.

SEC. 22. Joint Projects: Resolution of Intention: Notice: Hearing: Consideration of Objections: Abandonment or Adoption of Project: Protests. The board of supervisors of said district may institute joint projects by any two contiguous zones for financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvements located or to be located in either or both of said zones and of common benefit to said two zones. For the purpose of acquiring authority to proceed with any such joint project, the board of supervisors shall adopt a resolution specifying its intention to undertake such joint project, together with the engineering estimates of the cost of same and the proportionate costs to be borne by the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation, circulated in each of said zones. Said notice must designate a public place in each of said zones where a copy of the map or maps of said joint project may be seen by any interested person: said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

Hearing: Consideration of Objections: Abandonment or Adoption of Projects: Protests. At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board of supervisors shall consider all written and oral objections to the proposed joint project. Upon the conclusion of the hearing the board of supervisors may abandon the proposed joint project or, by unanimous vote of the entire board, proceed with the same, unless prior to the conclusion of said hearing written protests against the proposed joint project signed by a majority in number of the registered voters residing within either of said zones be filed with the board of supervisors, in which event said project must be abandoned.

SEC. 23. Resolution Determining That Bonded Indebtedness Should Be Incurred: Filing of Copy: Authority of Board. Whenever the board of supervisors shall determine that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone, the said board may by resolution passed by unanimous vote of the entire board, determine and declare the respective amounts of bonds in order to raise the amount of money necessary for each work or improvement and the denomination and rate of interest of said bonds. Said board shall cause a copy of said resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Kern County within five days after its issuance. From and after said filing the said board shall be deemed vested with the authority to proceed with said bond election.

SEC. 24. Special Bond Election in Zone: Question to Be Submitted: Revenue From Which Bonds and Interest to Be Paid: Liability of Taxable Property. After the filing for record of the resolution specified in Section 23 of this act, the said board of supervisors may call a special election in said zone at which shall be submitted to the qualified electors of said zone the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes levied upon the property taxable by said district situated within the zone, and all such taxable property shall be and remain liable to be taxed for such payments as provided in this act.

SEC. 25. Same: Calling Election and Submission of Proposition: Requisites of Ordinance: Interest Rate: Provisions and Officers: Conformity with General Election Laws: Maps: Publication of Ordinance: Effect of Defects or Irregularities: Vote Required. Said board of supervisors shall call such special election by ordinance and not otherwise and submit to the qualified electors of said zone the proposition of incurring a bonded debt in said zone in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such object and purposes, and refer to the resolution adopted by said board of supervisors, and on file for particulars; and said ordinances shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall be not less than one-fortieth of the whole amount of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and

the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed 5 percent per annum.

Precincts and Officers. For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said zone and may form election precincts by consolidating the precincts established for general election precincts in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such precincts.

Conformity With General Election Laws. In all particulars not recited in said ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the State.

Maps. Said board of supervisors shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Publication of Ordinance. Said ordinance calling such election shall, prior to the date set for such election, be published five times, which need not be consecutive editions, in one or more daily newspapers of general circulation printed and published in said zone and designated by said board of supervisors for said purpose. No other notice of such election need be given.

Effect of Defects or Irregularities. Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds.

Vote Required. If at such election two-thirds of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district zone for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 26. Form of Bonds: Times and Place of Payment: Issuance of Bonds: Denominations: Maximum Interest Rate: Signing and Sealing: Coupons: Signatures by Officers Ceasing to Be Such. The said board of supervisors shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

Issuance of Bonds: Denominations: Maximum Interest Rate: Signing and Sealing: Coupons: Signatures by Officers Ceasing to Be Such. The bonds shall be issued in such denomination as the said board of supervisors may determine, except that no bonds shall be of a less denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1,000), and shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 5 percentum per annum, and shall be payable annually or semiannually, and said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Kern County, and the seal of said district shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of Kern County by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 27. Issuance and Sale of Bonds: Crediting Proceeds of Sale: Record of Transaction: Application of Zone Fund: Payments from Fund. The said board of supervisors may issue and sell bonds of such district zone authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of Kern to the credit of said district for the uses and purposes of the zone voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said zone fund shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone fund shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Kern.

SEC. 28. Lien of Bonds: Revenue from which Bonds and Interest to be Paid: Liability of Taxable Property: Liability for or Payment of Indebtedness of Other Zone. Any bonds issued under the provisions of this act shall be a lien upon all but only the taxable property of the zone of issuance, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax upon all the taxable property within said zone and all the taxable property in the zone shall be and remain liable to be taxed for such payments as hereinafter provided. No zone of said Kern County Flood Control District, nor the property therein, shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation in

any of the several zones be used in payment of principal or interest or otherwise of the bonded indebtedness of any other zone.

SEC. 29. Annual Tax Levy for Bond Interest and Principal; Collection, Credit and Use; Payment of Principal and Interest. The board of supervisors shall levy a tax each year upon all the taxable property in the zone of issuance sufficient to pay the interest upon said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy. Such tax shall be levied and collected in the zone of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Kern County to the credit of the zone of issuance, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said Kern County in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 30. Provisions as to County Taxes Adopted; Liability of Officers. The provisions of law of this State, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

SEC. 31. Bonds as Investments; Use as Security; Construction of Section: Repealing Clause. The bonds of said Kern County Flood Control District issued for any zone thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained, and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

SEC. 32. Bonds Exempt from Taxation. All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California.

SEC. 33. Contracts for Improvement or Work; Letting; Advertisement for Proposals; Separate Contracts for Parts of Work; Bonds of Successful Bidder; Rejection of Bids; Doing Work by Force Account; Purchase of Materials and Supplies Without Advertising for Bids. All contracts for construction of, or for furnishing the labor, materials or supplies for, any improvement or work or any portion thereof, to carry out this act, the total cost of which exceeds two thousand dollars (\$2,000), shall be let to the lowest responsible bidder. The board of supervisors of said district shall advertise by three insertions in a daily newspaper of general circulation, or by two insertions in a weekly newspaper of general circulation, printed and published in said district, inviting sealed proposals for construction of, or for furnishing the labor, materials or supplies for the proposed improvement or work before any contract shall be made therefor, and may let by contract separately, any part of said work or improvement. The board shall require the successful bidder to file with the board good and sufficient bonds, to be approved by the board, conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 303 of the Statutes of 1919 and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids; provided, however, that in the event bids are rejected or no bids are received pursuant to the advertising therefor, then nothing herein contained shall be construed as prohibiting the district itself, from doing any of the proposed work under the provisions of this act by force account when deemed advisable, and the district shall have power to purchase in the open market, without advertising for bids therefor, materials and supplies for use in any work being done by it, either under contract or by force account.

SEC. 34. Conformity of Improvement with Report, etc.; Exceptions; Order for Changes. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, in which event the board of supervisors may, by a unanimous vote of all the members thereof, order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

SEC. 35. Determination that Additional Bonds Should be Issued: Procedure: Provisions Applicable to Additional Issue. Whenever bonds have been authorized by any zone of said district and the proceeds of the sale thereof have been expended as in this act authorized, and said board of supervisors shall by resolution passed by a unanimous vote of all its members determine that additional bonds should be issued for carrying out the work of flood control, or for any of the purposes of this act, said board of supervisors may again proceed as in this act provided, and submit to the qualified voters of said zone the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

SEC. 36. Calling or Ordering Other Bond Election After Failure of Proposition to Receive Requisite Number of Votes. Should a proposition for issuing bonds for any zone submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the said board of supervisors of said district shall not for six months after such election call or order another election in that zone for incurring indebtedness and issuing bonds under the terms of this act, either for the same objects and purposes, or for any of the objects and purposes of this act.

SEC. 37. Effect of Repeal or Amendment of Act. The repeal or amendment of this act shall not in any way affect or release any of the property in said district or any zone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

SEC. 38. Grant of Right of Way Across State Lands: Transmittal of Plat; Endorsement of Approval and Issue of Permit. There is hereby granted to Kern County Flood Control District the right of way for the location, construction and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands in the State of California, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right of way for such works or adjuncts thereto is made by the district the board of supervisors thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right of way and lands.

SEC. 39. Acquisition of Right to Flood or Interfere with Property Subject to Public Use; Condemnation; Judgment: Acquisition of Rights of Way, etc., for Relocation of Street, etc. In case any street, road, highway, railroad, canal, or other property subject or devoted to public use shall become subject to flooding or other interference by reason of the construction or proposed construction of any works of the district or project, the board of supervisors of the district may acquire by agreement or condemnation the right so to flood or otherwise interfere with such property, within or without the district whether it be publicly or privately owned, and if such right be acquired by condemnation, the judgment may, if the court shall find that public necessity or convenience so requires, direct the district to relocate such street, road, highway, railroad, canal or other property in accordance with plans prescribed by the court and if by such judgment or by agreement the district shall be required to relocate any such street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.

SEC. 40. Construction of Act. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

SEC. 41. Partial Unconstitutionality. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

SEC. 42. Title of Act: Sufficiency of Reference. This act may be designated and referred to as the "Kern County Flood Control Act" and any reference thereto by such designation shall be deemed sufficient for all purposes."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1263

Senator O'Gara moved that Senate Bill No. 1263 be withdrawn from Committee on Transportation for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1263—An act to add Section 1916 to the Harbors and Navigation Code, relating to the powers of the Board of State Harbor Commissioners for San Francisco, and making an appropriation.

Bill read second time.

Motion to Amend

Senator O'Gara moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, after "appropriation", insert ", and declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1 of said bill, strike out lines 3 to 10, inclusive, and insert "1916. The board shall provide adequate storage space for cotton, and for this purpose may repair and improve existing state-owned docks, and may install adequate sprinkling systems for fire prevention for such docks."

Amendment No. 3

On page 1, lines 12 and 13, of said bill, strike out "----- dollars (\$-----)" and insert "five hundred thousand dollars (\$500,000)".

Amendment No. 4

On page 1 of said bill, after line 14, insert

"Sec. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

At the present time there exists a serious shortage of storage space for cotton in the shipping areas of this State. This State is the major shipping point for the Orient, but in 1948, of 900,000 bales of cotton shipped to the Orient, only 140,000 bales passed through California ports, due to the lack of storage space for cotton in this State. The growing and shipping of cotton plays an important part in the economy of this State. The impairment of these industries would disrupt this important segment of our economy, thereby endangering the public peace, health and safety. This act authorizes increased storage space for cotton, thereby relieving the present emergency."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1391

Senator Weybret moved that Senate Bill No. 1391 be withdrawn from Committee on Public Health and Safety for purpose of amendment, and re-refer to committee.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1391—An act to add Section 3300.4 to the Welfare and Safety Code, relating to acquisition of necessary facilities to care for county nonresident persons suffering from tuberculosis, and making an appropriation.

Bill read second time.

Motion to Amend

Senator Weybret moved the adoption of the following amendment:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "acquisition", and insert "operation".

Amendment No. 2

On page 1, line 3, of said bill, strike out "may pur-", and insert "shall".

Amendment No. 3

On page 1, line 4, of said bill, strike out the entire line, and insert "lease any facilities it".

Amendment No. 4

On page 1, lines 5 and 6, of said bill, strike out the entire lines, and insert "deems necessary to care for persons afflicted with active contagious tuberculosis who violate the quarantine or isolation orders of the health officer as provided in Section 2259.5 of the Health and Safety Code."

Amendment No. 5

On page 1, line 9, of said bill, strike out "----- dollars (\$-----)", and insert "seventy-five thousand dollars (\$75,000)".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

CONSIDERATION OF DAILY FILE (RESUMED)**SECOND READING OF SENATE BILLS**

Senate Bill No. 1047—An act to amend Section 932 of the Probate Code, relating to accounts of deceased or incompetent executor.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1048—An act to amend Section 1144 of the Probate Code, relating to administration by the public administrator of estates of a value not exceeding two hundred dollars (\$200).

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 686—An act to add Section 738.2 to the Code of Civil Procedure, relating to presumption of payment of obligation secured by deed of trust.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 752—An act to add Section 233 to the Code of Civil Procedure, relating to jurors in justices' courts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 197—An act to amend Section 694 of the Code of Civil Procedure, relating to sales of real and personal property under execution.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 16, of the printed bill, strike out "of" and insert "or".

Amendment No. 2

On page 1 of said bill, strike out lines 25 to 31, inclusive, and insert

"Whenever a request in writing signed by the debtor and creditor for a postponement of the sale to an agreed date and hour, is given to the officer conducting the sale under execution, such officer shall thereupon by public declaration postpone the sale to the day and hour so fixed in such request to be held at the place originally fixed by the officer for the sale. In case of postponements, notice of each thereof must be given by public declaration by the officer at the time and place last appointed for the sale. No other notice of postponed sale need be given."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 493—An act to add Section 48.5 to the Civil Code, relating to defamation by radio.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 7, of the printed bill, as amended in the Senate April 27, 1949, strike out "and which state", and strike out lines 8 and 9, and insert "which broadcast cannot be censored by reason of the provisions of federal statute or regulation of the Federal Communications Commission."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 153—An act to authorize counties to establish and maintain retirement, disability and death benefit plans for peace officers, foresters, firewardens and firemen; to permit the inclusion therein of city police officers and city firemen; to authorize the levy of taxes by such counties and cities to fund the county and city's share of the cost and expense of such plan; and in connection therewith, to add Chapter 6 to Part 3, Title 3, Division 4 of the Government Code.

Bill read second time.

Motion to Amend

Senator Tenney moved the adoption of the following amendments:

Amendment No. 1

In line 8 of the title of the printed bill, as amended in Senate March 15, 1949, strike out "Title 3, Division 4", and insert "Division 4, Title 3".

Amendment No. 2

On page 1, lines 1 and 2, of said bill, strike out "Title 3, Division 4", and insert "Division 4, Title 3".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1633—An act to add Section 13.8 to the Construction and Employment Act, relating to projects for which the county allocation thereunder is available, providing for the construction and improvement of existing waterworks systems by county water districts, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 4 of the title of the printed bill, strike out "existing".

Amendment No. 2

In line 5 of the title of said bill, strike out "water", and insert "water works".

Amendment No. 3

On page 1, line 5, of said bill, strike out "water", and insert "water works".

Amendment No. 4

On page 1, line 6, of said bill, strike out "an existing", and insert "a".

Amendment No. 5

On page 1, line 10, of said bill, strike out "water", and insert "water works".

Amendment No. 6

On page 1, line 15, of said bill, after "that", insert ", at the time the application was filed,".

Amendment No. 7

On page 2, line 4, of said bill, strike out "water", and insert "water works".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1113—An act to amend Section 19480.5 of the Business and Professions Code, relating to the issuance of licenses to conduct horse racing meetings.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 409—An act to amend Section 20009.1 of the Government Code, relating to the definition of public agencies authorized to become local members of the State Employees' Retirement System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

Strike out line 13 in the printed bill and insert "Chapter 26, Statutes of 1935, as amended by Chapter 30, Statutes of 1941, or by Section 50024 of this code, which association or organization is maintained and supported entirely from funds".

Amendment No. 2

In line 14 of said bill, strike out ", as defined in Section 20009".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 66—An act to amend Section 374 of the Vehicle Code and Section 10781 of the Revenue and Taxation Code, relating to exemption of vehicles from registration and license fees.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 476—An act to amend Section 6 of, and add Section 9 to, an act entitled "An act providing for preparation for postwar county highway construction projects, and making an appropriation

therefor," approved May 18, 1943, relating to expenditure of funds for postwar county highway construction projects, and providing penalties.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 549—An act to amend Section 374 of the Vehicle Code, to add Section 381.1 thereto, and to amend Section 10782 of the Revenue and Taxation Code, relating to exemptions from fees for the operation of motor vehicles.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1613—An act to amend Section 704 of the Vehicle Code, relating to weight of vehicles.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1629—An act to amend Section 5551 of the Streets and Highways Code, relating to appropriations to aid the construction of generally used structures.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 870—An act to add Section 678.5 to the Vehicle Code, relating to equipment of vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, lines 9, 10, and 11, of the printed bill, as amended in Senate May 18, 1949, strike out "a device which may include splash aprons which are effective to prevent the throwing of", and insert "devices which are effective to minimize the".

Amendment No. 2

On page 1, line 15, of said bill, after "less", insert "or to vehicles with bodies extending over the wheels".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1303—An act to amend Section 428 of the Vehicle Code, relating to liens on vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 4, of the printed bill, after "ten", insert "but not more than twenty".

Amendment No. 2

On page 1, line 5, of said bill, strike out "day", and insert "issue".

Amendment No. 3

On page 1, line 5, of said bill, after "newspaper", insert "of general circulation".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 293—An act to amend Sections 11005 and 16302 of, and to add Section 11005.1 to, the Government Code, relating to the acquisition of real and personal property and the powers of the Director of Finance relative thereto.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 252—An act to add Section 7114 to the Health and Safety Code, relating to authorizations for the performance of autopsies.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2556 An act to add Sections 330.1 to 330.6, inclusive, to the Penal Code, to prohibit the possession, use or operation of slot machines or like devices, prescribing the penalty for violations of this act, and providing for the confiscation of such machines.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Assembly April 29, 1949, strike out "330.6", and insert "330.5".

Amendment No. 2

On page 1, line 14, of said bill, after "any element of", insert "hazard or".

Amendment No. 3

On page 1, lines 14 and 15, of said bill, strike out "or other outcome unpredictable to him".

Amendment No. 4

On page 2, lines 2 and 3, of said bill, strike out "adapted, or may readily be converted into one that is adapted, for use", and insert ", or may be, used or operated".

Amendment No. 5

On page 2, line 7, of said bill, after "any element of", insert "hazard or".

Amendment No. 6

On page 2, lines 7 and 8, of said bill, strike out "or of other outcome from such operation unpredictable by him".

Amendment No. 7

On page 2, line 14, of said bill, after "any element of", insert "hazard or".

Amendment No. 8

On page 2, lines 14 and 15, of said bill, strike out "or unpredictable outcome of such operation".

Amendment No. 9

On page 2, lines 21 and 22 of said bill, strike out "tangible or intangible, amusement, entertainment,".

Amendment No. 10

On page 2, lines 22 and 23, of said bill, strike out "or any other thing, tangible or intangible," and strike out balance of lines 23 and 24.

Amendment No. 11

On page 2, line 24, of said bill, after "device", insert "as herein defined".

Amendment No. 12

On page 2, line 28, of said bill, strike out "a", and insert "in such cases shall be disposed of, together with any and all money seized in or in connection with such machine or device, as provided in Section 335a of the Penal Code."

Amendment No. 13

On page 2 of said bill, strike out lines 29 to 43, inclusive.

Amendment No. 14

On page 3 of said bill, strike out line 13, and insert "335a of the Penal Code."

Amendment No. 15

On page 3 of said bill, strike out lines 15 to 29, inclusive.

Amendment No. 16

On page 3, line 30, of said bill, strike out "330.6", and insert "330.5".

Amendment No. 17

On page 3, line 31, of said bill, strike out "330.5", and insert "330.4".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Assembly Bill No. 1822—An act prescribing the regulation, government, procedure and jurisdiction of municipal and justice courts, and providing for the election and appointment of the judges, officers and attaches of such courts, their terms of office, qualifications and compensation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 6 of the printed bill, as amended in the Senate May 20, 1949, strike out line 27, and insert

"SEC. 14. The clerk of the court, his".

Amendment No. 2

On page 6, line 29, of said bill, after "court", insert "who were appointed from civil service lists or who are entitled to the rights and privileges of one so appointed under the provisions of this act or other law".

Amendment No. 3

On page 7, line 27, of said bill, strike out "each district of the county", and insert "the district".

Amendment No. 4

On page 7, line 28, of said bill, strike out "municipal or".

Amendment No. 5

On page 7 of said bill, between lines 29 and 30, insert "in counties in which there are one or more but less than ten municipal courts".

Amendment No. 6

On page 7, line 35, of said bill, strike out "justice's", and insert "justice".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Assembly Bill No. 2992—An act to amend Section 4005 of the Penal Code and Section 660 of the Welfare and Institutions Code, relating to custody and detention in state or county prisons, jails or other detention facilities of persons committed or detained by process or order issued under the authority of the United States.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Assembly April 27, 1949, strike out "Section 4005", and insert "Sections 2902 and 4005".

Amendment No. 2

In line 8 of the title of said bill, after "United States", insert "or of any state or territory of the United States, and providing for the terms under which such services are to be rendered".

PRINTER'S NOTE—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being enclosed within brackets.

Amendment No. 3

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 2902 of the Penal Code is amended to read:

2902. All criminals sentenced to [the State prisons] *prison* by the authority of the United States or of any state or territory of the United States, [shall] *may* be received [and kept according to] *by the Director of Corrections and imprisoned in California state prisons in accordance with the sentence of the court by which they were tried[,]*. The prisoners so confined shall be subject in all respects to discipline and treatment as though committed under the laws of this State and the Director of Corrections is authorized to enter into contracts with the proper agencies of the United States and of other states and territories of the United States with regard to the per diem rate such agencies shall pay to the State of California for the keep of each prisoner.

SEC. 2. Section 4005 of the Penal Code is amended to read: ".

Amendment No. 4

On page 1, line 10, of said bill, strike out "SEC. 2", and insert

"SEC. 3".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Assembly Bill No. 699—An act to amend Section 1243 of the Civil Code, relating to homesteads, and methods of abandonment thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 7, of the printed bill, after "married", insert "or was married at the time the homestead was declared".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 535—An act to amend Section 1425 of the Penal Code, relating to criminal jurisdiction of justices', municipal and police courts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 17, of the printed bill as amended, strike out the period after "Class A", and insert "in a city having a population of thirty thousand or more. Every such court in cities having a population of less than thirty thousand shall have the

same jurisdiction in criminal cases as justices' courts of Class B, except where the charter of such city has, prior to the effective date of this act, provided for the exercise of the same jurisdiction in criminal cases as justices' courts of Class A, in which event such court shall have the same jurisdiction in criminal cases as justices' courts of Class A".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 232—An act to amend Section 799 of the Code of Civil Procedure, relating to partition of property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 976—An act to amend Section 103g of the Code of Civil Procedure, relating to justices of the peace in cities of the second class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1447—An act to amend Section 3301 of the Corporations Code, relating to the service of process on corporations and the designation of officers, agent and address of principal office of corporations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 3139—An act to amend Sections 1.5 and 4 of the Judges' Retirement Act, relating to the retirement, with retirement allowances, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts and municipal courts, in respect to computation of service and amount of allowances.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2975—An act relating to the powers, duties, and functions of committees created by either or both houses of the Legislature, and for that purpose amending Section 9410 of the Government Code.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2555—An act to add Sections 226a and 226b to the Civil Code, relating to adoption.

Bill read second time.

Motion to Amend

Senator Brown moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended in Senate May 18, 1949, strike out "the petitioners".

Amendment No. 2

On page 1, line 10, of said bill, after "court", insert "where the petition is pending."

Amendment No. 3

On page 2 of said bill, strike out line 19, and in line 20, strike out "petition for adoption be denied,".

Amendment No. 4

On page 2, line 21, of said bill, strike out "proceedings", and insert "proceeding".

Amendment No. 5

On page 2, line 25, of said bill, after "child", insert "in every such case or where the department or county agency recommends that the petition for adoption be denied".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1633 An act to amend Section 1143 of the Penal Code, relating to juror's fees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2388 An act to amend Sections 69, 73, and 74 of the Civil Code and to amend Section 10526 of the Health and Safety Code, relating to documents required in connection with marriage.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 8, of the printed bill, as amended in Senate May 20, 1949, strike out the period and insert "; and".

Amendment No. 2

On page 1, line 9, of said bill, insert

"4. Whether white, Mongolian, Negro, Malayan or mulatto."

Amendment No. 3

On page 1, line 13, of said bill, after "drug", insert "; and no license may be issued authorizing the marriage of a white person with a Negro, mulatto, Mongolian, or member of the Malay race".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1524 An act to amend Sections 5047, 5050.8, and 5125 of the Welfare and Institutions Code, relating to procedure for examination of the mental health of a person alleged to be mentally ill and to court hearings for such persons.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "5050.8".

Amendment No. 2

On page 2 of said bill, as amended, strike out lines 3 to 29, inclusive.

Amendment No. 3

On page 2 of said bill, as amended, in line 30 after "Sec.", strike out "3", and insert "2".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1679—An act to amend Sections 1174, 1175, and 1176 of the Government Code, relating to the deposit and disbursement of moneys withheld from salaries or wages paid to any person by the State or other public agencies pursuant to the Internal Revenue

Law of the United States or any requirements of the Commissioner of Internal Revenue pursuant thereto, and to provide for the transfer of money heretofore deposited.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1904—An act to add Section 20921.1 to the Government Code, relating to contributions in the State Employees' Retirement System for Federal Service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 926—An act to provide for the transfer of the Napa State Farm to the Department of Mental Hygiene and the vesting of control and disposition of the water rights of the Napa State Farm in the Department of Finance, amending Section 154 of, and adding Division 8 to, the Welfare and Institutions Code and repealing Article 5 of Chapter 2, Part 3, Division 3, Title 2 of the Government Code, all relating to the Napa State Farm, and to repeal "An act to provide for the control of certain property of the State in Napa County by the Fish and Game Commission," approved May 27, 1943.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out all of the title, and insert "An act to authorize the Director of Finance to sell and convey, subject to such terms, conditions, and covenants as in his judgment are in the public interest, a portion of the Napa State Farm, as defined in Section 13190 of the Government Code."

Amendment No. 2

On page 1 of said bill, strike out all of lines 1 to 16, inclusive, and insert "SECTION 1. The Director of Finance is authorized to sell and convey to such parties, at such prices, and subject to such terms and conditions, and with such covenants, reservations, and exceptions, relating to easements, rights of way, and the use of water, and other matters, as in his judgment he may determine to be in the public interest, that portion of the Napa State Farm, defined in Section 13190 of the Government Code, described as follows:

1. Commencing at a point in the center of the old Mill County Road where the southeasterly line (extended across said road) of Block D, as said block is laid down and delineated upon a certain map entitled "Map of Subdivision of the Caymus Grant in Napa County, California," etc., filed November 4, 1870, in the office of the County Recorder of said Napa County, intersects the center line of said road; running thence by the true meridian, variation 17 degrees east, north 52½ degrees east 88.75 chains, more or less, along the line of land now or formerly of McIntyre and Long to the center of the East County Road leading from Yountville to Pope Valley; thence along the middle of said road to a point opposite to a pine stake painted white and marked on one side "S O", on another "III", on another "O" and set at the end of the stone fence on the south bank of Rector Creek and on the west side of the present travelled road; thence along or near the south bank of Rector Creek by the following courses: South 53 degrees west 4.60 chains; south 74 degrees west 2.43 chains; south 48 degrees 30 minutes west 8.10 chains; south 76 degrees 45 minutes west 10.39 chains; south 49 degrees 15 minutes west 15.32 chains; south 68 degrees 15 minutes west 4.03 chains; south 70 degrees west 6.54 chains; south 84 degrees 45 minutes west 8.67 chains; north 25 degrees west 2.43 chains; south 75 degrees 45 minutes west 4.97 chains; south 52 degrees west 6.15 chains; south 58 degrees west 8.36 chains; south 41 degrees 30 minutes west 22.78 chains; thence across Rector Creek south 56 degrees 30 minutes west 15.24 chains to the middle of the Mill County Road; thence along the middle of said road to the point of commencement, containing 613 acres of land, more or less.

2. Commencing at the most southern corner of said Block D as laid down and delineated upon said map, said point being in the middle of Napa River, and running thence along the fence between said McIntires land and the land formerly owned by

Vance Posten, north $52\frac{3}{4}$ degrees east 58.80 chains, more or less, to the middle of the old County Road leading from Yountville to Pope Valley; thence along the middle of said road south $22\frac{1}{4}$ degrees east 9.61 chains to an angle in said road; thence south 9 degrees west 11.00 chains; thence south $7\frac{1}{2}$ degrees east 5.03 chains to a point in the middle of said road from which a post marked V.P. bears south $52\frac{3}{4}$ degrees west 52 links distant, from which post an oak 48 inches in diameter bears north $84\frac{1}{2}$ degrees west 179 links distant; thence southerly along the middle of said road to a point, which said point bears south 27 degrees west from Station 14 as shown on said map, 12.4 feet, more or less; thence south 27 degrees west 755.4 feet, more or less, to a point in the center of Napa River; and thence up the center of said river to the place of beginning, containing 179 acres of land, more or less.

4. Lot No. 7, containing 82.83 acres and Lot No. 16, containing 126.07 acres, in said Block D, as the same are laid down and delineated upon said map.

5. * * * That certain real property situate, in the County of Napa, State of California, and particularly described as follows, to wit:

Commencing in the middle of Napa River at the most southerly corner of the 179 acre tract of land conveyed by the Caymus Land Company to the State of California, by deed dated July 12, 1912, and recorded on March 4, 1913, in Liber 103 of Deeds, page 385, Napa County Records; thence from said point of beginning along the southeasterly line of said 179 acre tract, north 27 degrees east 755 feet, more or less, to the middle of the old County Road known as the "Mill County Road," or "Middle County Road," leading from Yountville to Chiles Valley; thence continuing in the same course about 35 feet to the northwesterly corner of Lot No. 12 as shown on a certain map entitled "Map of Subdivision of a Portion of the Yount Ranch," filed in the office of the County Recorder of Napa County, June 19, 1877; thence along the northerly line of said Lot No. 12, north $56\frac{1}{2}$ degrees east 150 feet to a stake; thence south $41\frac{1}{2}$ degrees east 1,164 feet to a stake on the division line between said Lot 12 and Lot No. 13 of the subdivision of said Yount Ranch; thence along said division line, south $53\frac{3}{4}$ degrees west 131 feet to the most westerly corner of said Lot No. 13, thence west along the south line of said Lot No. 12, 643 feet, more or less, to the northeast corner of the 1-acre tract of land conveyed by F. W. Ellis to R. D. Fry by deed dated September 7, 1894, and of record in Liber 53 of Deeds, page 425, Napa County Records; thence southerly along the easterly boundary of said one-acre tract, 112 feet to the southeast corner thereof; thence westerly along the southerly boundary of said one-acre tract, and along the northerly bank of the old Mill Race, about 335 feet to the middle of Napa River; thence up the middle of the river, following the meanderings, about 400 feet to the place of beginning.

Being a portion of the westerly end of said Lot No. 12 of said subdivision of a portion of the Yount Ranch, and also all of the tract of land lying west of said "Middle County Road," which is secondly described in a deed from said Caymus Land Company to Maria Asevedo et al., dated November 9, 1916, and of Record in Liber 117 of Deeds, page 147, Napa County Records.

Excepting from the tract herein conveyed a right of way 20 feet wide, for road purposes, along the southerly boundary of said Lot No. 12, and extending from the southeast corner of the tract hereby conveyed westerly to said "Middle County Road".

The tract herein conveyed containing fifteen acres of land, more or less, exclusive of said right of way.

SEC. 2. The proceeds of any sale or sales pursuant to authority of Section 1 of this act shall be deposited in the State Treasury to the credit of the General Fund."

Amendment No. 3

On page 2 of said bill, strike out all of lines 1 to 52, inclusive.

Amendment No. 4

On page 3 of said bill, strike out all of lines 1 to 26, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 2269—An act to amend Sections 15002, 15003, 15004, 15007, 15015, 15016, 15020, 15029, 15154, 15250, 15251, 15253, 15254, 15255, 15351, 15353, 15354, 15355, 15380, 15381, 15382, 15383, 15384, 15387, 15388, 15687, 15689, 15730, 15735, 15736, 15737, 15747, 15750, 16000, 16001, 16051, 16056, 16058, 16062, 16100, 16105, 16201, 16223, 16227, 16231, 16265, 16266.5, 16400, 16401, 16402, 16403, 16403.5, 16405, 16406, 16408, 16409, 16410, 16411, 16413, 16414, 16415, 16417, 16418, 16432, 16433, 16434, 16437, 16441, the heading of Chapter 14,

Part 1, Division 13, Sections: 16501, 16504, 16520, 16521, 16523, 16527, 16600, the heading of Article 8, Chapter 14, Part 1, Division 13, Sections: 16670, 16672, 16677, 16678, 16679, the heading of Article 9 of Chapter 14, Part 1, Division 13, Sections: 16690, 16692, 16693, 16694, 16711, 16711.2, 16742, 16771, 16772, 16800, 16820, 16827, 16833, the heading of Chapter 20, Part 1, Division 13, Sections: 16900, 16901, 16904, 16906, 16950, 16953, 16959, 17000, 17001, 17002, 17080, 17088, 17152, 17154, 17157, the heading of Chapter 24, Part 1, Division 13, the heading of Article 1 of Chapter 24, Part 1, Division 13, Sections: 17250, 17251, 17254, 17255, 17260, 17261, 17262, 17263, 17264, 17265, 17267, heading of Article 2, Chapter 24, Part 1, Division 13, Sections: 17280, 17281, 17282, 17283, 17284, heading of Article 3, Chapter 24, Part 1, Division 13, Sections 17300, 17301, 17303, 17304, heading of Article 4, Chapter 24, Part 1, Division 13, Sections: 17320, 17324, 17324.5, 17340, 17452, 17453, 17455, 17456, 17457, 17459, 17465, 17466, 17481, 17482, 17483, 17484, 17501, 17503, 17504, 17507, 17509, 17531, 17532, 17551, 17552, 17580, 17581, 17584, 17701, 17702, 17702.5, 17704, 17704.1, 17705, 17800, 17801, 17809, 17810, 17814, 17815, and 17901 of the Health and Safety Code; to add Sections 15004.2, 15007.5, 15015.7, 15015.8, 15016.3, 15016.7, 15016.8, 15017.8, 15019.5, 15023.2, 15023.4, 15024.5, 15027.3, 15027.5, 15029.5, 15030.5, 15031.3, 15031.5, 15031.7, 15152.5, 15159, 15160, 15251.5, 15253.5, 15254.5, 15256, 15290.5, 15320, 15363, 15364, 15365, 15366, 15367, 15383.5, 15384.1, 15384.2, 15384.3, 15384.4, 15384.5, 15389, 16227.5, 16500.5, 16528, Sections 16679.5, 16711.3, Article 5 (comprising Section 16714), Chapter 14.5, Part 1, Division 13, Sections: 16777, 16778, Article 1, Chapter 20, Part 1, Division 13, Sections 16900.1, 16900.2, 16900.4, 16902.1, 16902.2, Article 2 (comprising Section 16910) to Chapter 20, Part 1, Division 13, Chapter 20.5 (comprising Sections 16930 and 16931) to Part 1, Division 13, Sections 17000.1, 17000.2, 17000.3, 17000.4, 17080.1, 17080.2, 17080.3, 17085.5, 17258.5, 17260.1, 17260.2, 17260.5, 17260.7, 17260.8, 17260.9, 17267.3, 17267.5, 17270, 17270.3, 17270.5, Article 1 (B) (comprising Section 17276), to Chapter 24, Part 1, Division 13, Sections 17283.5, 17285, 17286, 17287, 17288, 17289, 17290, 17291, 17300.5, 17306, 17307, 17308, 17309, 17310, 17311, 17312, 17313, 17325, 17326, 17327, 17328, 17329, 17330, 17455.5, 17457.5, 17486, 17513, 17533.5, 17554, 17704.2, 17704.3, 17705.1, 17705.2, 17708, 17709, 17710, 17711, 17712, 17713, 17801.5, 17809.5, 17811.1, 17811.2, 17811.3, 17811.4, 17814.1, 17814.2, 17814.3, 17815.1, 17815.2, 17815.3, 17815.4, and 17831 to said code, and to repeal Sections 15021, 15252, 15315, 15316, 15317, 15318, 15319, 16057, 16224, 16225, 16412, 16419, Article 7 (comprising Sections: 16650 to 16655, inclusive) of Chapter 14, Part 1, Division 13, Chapter 15 (comprising Sections: 16720, and 16720.5) of Part 1, Division 13, Sections 16773, 16774, 16951, 16952, 16954, 16955, 16956, 16957, 16958, Article 2 (comprising Sections 17020 to 17023, inclusive) of Chapter 22, Part 1, Division 13, Article 3 (comprising Sections: 17040 to 17045, inclusive) of Chapter 22, Part 1, Division 13, Article 4 (comprising Sections: 17060 to 17062, inclusive) of Chapter 22, Part 1, Division 13, Sections: 17081, 17082, 17083, 17084, 17086, 17087, 17266, 17454, 17460, 17464, of said code, relating to the State Housing Act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 8, line 10, of the printed bill, as amended in Assembly on May 16, 1949, after "tion," insert "fire-safety,".

Amendment No. 2

On page 8, line 11, of said bill, after "department", insert "or the fire department".

Amendment No. 3

On page 8, line 12, of said bill, after "city", insert ", as the case may be,".

Amendment No. 4

On page 24, line 12, of said bill, strike out "fire escape".

Amendment No. 5

On page 25, line 11, of said bill, strike out ", noncorrodible".

Amendment No. 6

On page 37, line 43, of said bill, after "Exterior", insert "and inner court".

Amendment No. 7

On page 37, lines 43 and 44, of said bill, strike out "that are less than three feet (3') from adjacent property lines".

Amendment No. 8

On page 37, line 45, of said bill, strike out "four-hour", and insert "two-hour".

Amendment No. 9

On page 37 of said bill, strike out lines 49, 50, and 51.

Amendment No. 10

On page 38 of said bill, strike out lines 1, 2, and 3.

Amendment No. 11

On page 38, line 4, of said bill, strike out "(c)", and insert "(b)".

Amendment No. 12

On page 38, line 6, of said bill, strike out "and of not", and strike out lines 7 and 8, and insert a period.

Amendment No. 13

On page 38, line 13, of said bill, strike out "three-hour", and insert "two-hour".

Amendment No. 14

On page 38, line 29, of said bill, strike out "three-hour", and insert "two-hour".

Amendment No. 15

On page 53, line 24, of said bill, strike out "bill", and insert "act".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 2711—An act to add Article 10, comprising Sections 8001 to 8025, inclusive, to Chapter 4 of Part 3 of Division 6 of the Public Resources Code, relating to surveys and maps, creating the office of State Supervisor of Maps and Surveys, and prescribing his powers and duties.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 3 of the title of the printed bill, as amended in Assembly on April 18, 1949, after "maps", strike out comma; strike out all of lines 4 to 8, inclusive; and in line 9, strike out "prescribing his powers and duties."

Amendment No. 2

On page 1 of said bill, strike out lines 11 to 13, inclusive.

Amendment No. 3

On page 2 of said bill, strike out lines 4 to 39, inclusive.

Amendment No. 4

On page 2 of said bill, in each of lines 40, 46, and 48, strike out "supervisor", and insert "State Engineer".

Amendment No. 5

On page 3 of said bill, in each of lines 3, 9, 14, and 18, strike out "supervisor", and insert "State Engineer".

Amendment No. 6

On page 3 of said bill, strike out line 24, and insert "8016. To enable the coordination of the programs of the several map making agencies, the State Engineer shall cause data to be assembled".

Amendment No. 7

On page 3 of said bill, in each of lines 33, 39, 42, 44, and in lines 48 and 49, strike out "supervisor", and insert "State Engineer".

Amendment No. 8

On page 4 of said bill, in each of lines 1, 19, and 31, strike out "supervisor", and insert "State Engineer".

Amendment No. 9

On page 4, line 34, of said bill, strike out "Water Resources Fund", and insert "Water Resources Revolving Fund".

Amendment No. 10

On page 4, line 43, of said bill, strike out "supervisor", and insert "State Engineer".

Amendment No. 11

On page 4 of said bill, at end of line 44, insert "Revolving".

Amendment No. 12

On page 5 of said bill, after line 11, insert "SEC. 3. Notwithstanding anything in this act to the contrary or in conflict herewith, no mapping shall be carried out pursuant to this act unless funds are specifically appropriated therefor apart from and in addition to funds appropriated for topographic mapping pursuant to the act approved July 17, 1945, Chapter 1424, Statutes of 1945."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 54—An act to amend Section 1 of, and to add Section 13.5 to, an act entitled "An act to regulate the caravanning of vehicles upon the public highways of this State, defining the term 'caravanning' and providing for the licensing of vehicles in caravan for the privilege of using the public highways and for the cost of regulating persons engaged in caravanning and providing such fees shall be a lien and for the enforcement of such liens and the collection and disposition of such fees and imposing penalties for violation thereof, and to repeal an act entitled 'An act to regulate the caravanning of motor vehicles upon the public highways of this State, defining the term "caravanning" and providing for the licensing of motor vehicles in caravan and imposing penalties for violation thereof,' approved July 6, 1935, declaring the urgency thereof, and providing that it shall take effect immediately," approved July 1, 1937, relating to the caravanning of vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 605—An act to amend Sections 140.1 and 142 of, and to add Section 140.2 to the Vehicle Code, relating to permits for the operation of and registration of vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2612—An act to add Section 459.7 to the Vehicle Code, relating to the regulation of traffic on private roads in housing projects or within the site of housing owned or operated by housing authorities, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 628—An act to amend Section 600 of the Vehicle Code, relating to throwing lighted substance from or upon a highway.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 4 of the printed bill, following the first word "a", insert "private road or".

Amendment No. 2

In line 6 of said bill, following the word "a", insert "private road or".

Amendment No. 3

In the title of said bill, after the word "a", insert "private road or".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 630—An act to amend Section 604.10 of the Vehicle Code, relating to the removal of persons injured on highways.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1 of the printed bill as amended in Assembly March 28, 1949, strike out lines 12 to 16, inclusive, and insert "physician and surgeon or hospital, if the injured person does not object to such transportation. Any peace officer, any member of an organized fire department or fire protection district, any employee of the Division of Highways assigned to maintenance operations, or any member".

Amendment read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 3032—An act to amend Section 469 of the Vehicle Code, relating to railroad warning approach signs.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 15, of the printed bill, as amended, strike out "enameled".

Amendment No. 2

On page 1, line 16, of said bill, strike out "an enameled", and insert "a".

Amendment No. 3

On page 1, line 17, of said bill, strike out "an enameled", and insert "a".

Amendment No. 4

On page 1, line 19, of said bill, strike out "enamel".

Amendment No. 5

On page 1, line 22, of said bill, after "reflecting", insert "buttons or".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1011—An act to amend Section 5425 and Section 5426 of the Public Resources Code, relating to recreation, park and parkway districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2080—An act to repeal Sections 28000 to 28004, inclusive, of the Health and Safety Code and to add Sections 28000, 28001, 28002, 28003, 28004, 28005, 28006, 28007, 28008, 28009, 28011, 28012, 28013, 28014, and 28015 to said code, relating to horse, mule and burro meat, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 2, line 6, of the printed bill, as amended in Assembly May 6, 1949, strike out "at any establishment", and insert "in any establishment or part thereof".

Amendment No. 2

On page 3, line 14, of said bill, strike out "in a", and insert "by the addition thereto of one twentieth of 1 percent of powdered charcoal or in any other".

Amendment No. 3

On page 3 of said bill, following line 48, insert

"Sec. 11.5. Section 28010 is added to said code, to read:

28010. All uninspected horse meat not produced in the State of California shall be decharacterized before entering the State in the manner outlined in Section 28007 (b) or in keeping with federal laws. All inspected horse meat not produced in the State of California shall be delivered to the warehouse, or distributor in the original shipping containers; provided, further, that any processing, grinding, trimming or repackaging shall be done only at an establishment which is under federal, state or state approved municipal inspection."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

Assembly Bill No. 678—An act to amend Section 7056 Public Resources Code, relating to oil, gas and mineral leases by counties and other public or quasi public corporations, bodies or agencies.

Bill read second time, and ordered to third reading.

RESOLUTIONS

The following resolution was offered:

By Senator Brown:

Senate Resolution No. 112

Resolved, That the names of the following persons be, and they are hereby stricken from the pay roll of the Senate effective on the completion of work on Saturday, May 21, 1949.

Name	Title	Per diem
Mildred Willard.....	Assistant Journal Clerk.....	\$10 00
Norva Costello.....	Assistant Engrossing and Enrollment Clerk.....	10 00

Resolution read, and adopted.

REPORTS OF STANDING COMMITTEES

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which were referred:

Senate Bill No. 457

Assembly Bill No. 994

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: The Committee on Financial Institutions, to which was referred:

Assembly Bill No. 22

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

McBRIDE, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: The Committee on Finance, to which were referred:

Senate Bill No. 70

Senate Bill No. 1380

Senate Bill No. 446

Senate Bill No. 485

Senate Bill No. 628

Senate Bill No. 638

Senate Bill No. 329

Assembly Bill No. 375

Assembly Bill No. 892

Assembly Bill No. 3102

Assembly Bill No. 2666

Assembly Bill No. 1888

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: The Committee on Finance, to which was referred:

Assembly Bill No. 1284

Has had the same under consideration, and reports the same back with no recommendation for reason given below.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

This bill was sent to the Finance Committee in error. It was sent out from Committee on Transportation for amendment, and was inadvertently sent to this committee. We therefore recommend it be re-referred to the Committee on Transportation.

RICH, Chairman

Above reported bill re-referred to Committee on Transportation.

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: The Committee on Finance, to which was referred:

Assembly Bill No. 2030

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: The Committee on Finance, to which were referred:

Senate Bill No. 606

Senate Bill No. 702

Senate Bill No. 1256

Assembly Bill No. 2056

Senate Bill No. 434

Assembly Bill No. 996

Senate Bill No. 1371

Assembly Bill No. 2146

Senate Bill No. 694

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

RICH, Chairman

Above reported bills ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 25, 1949

MR. PRESIDENT: The Committee on Local Government, to which was referred: Assembly Bill No. 1941

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 19, 1949

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Assembly Bill No. 604

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to Committee on Finance.

Committee membership 13; committee vote: Ayes 9; absent 4.

COLLIER, Chairman

Above reported bill ordered to second reading.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2108

Senator Rich moved that Assembly Bill No. 2108 be re-referred to Committee on Finance.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 2849—An act to add Section 6404 to the Revenue and Taxation Code, relating to exemption of livestock from the use tax.

Bill read third time.

Motion to Amend

Senator Parkman moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 4, of the printed bill, after "any", insert "Livestock, including".

Amendment No. 2

On page 1, line 4, of said bill, after "horses", insert "cattle, sheep, and swine,".

Amendment No. 3

On page 1, line 6, of said bill, after "or", insert "in the case of horses".

Amendments read, and adopted.

Bill ordered printed, and to third reading.

ADJOURNMENT

At 5.10 p.m., on motion of Senator Dillinger, the President declared the Senate adjourned until 1.30 p.m., Thursday, May 26, 1949 out of respect to the memory of the late Walter J. Hicks.

JOHN F. LEA, Minute Clerk

